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WATER PROJECT RECREATION ACT

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HEARING BEFORE THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE EIGHTY-NINTH CONGRESS

FIRST SESSION

ON

S. 1229

A BILL TO PROVIDE UNIFORM POLICIES WITH RESPECT
TO RECREATION AND FISH AND WILDLIFE BENEFITS
AND COSTS OF FEDERAL MULTIPLE-PURPOSE WATER
RESOURCE PROJECTS, AND TO PROVIDE THE SECRETARY
OF THE INTERIOR WITH AUTHORITY FOR RECREATION
DEVELOPMENT OF PROJECTS UNDER HIS CONTROL

MARCH 23, 1965

Printed for the use of the Committee on Interior and Insular Affairs



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WASHINGTON : 1965

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WATER PROJECT RECREATION ACT

TUESDAY, MARCH 23, 1965

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS.
Washington, D.C.

The committee met, pursuant to call, at 10:10 a.m., in room 3110, New Senate Office Building, Senator Henry M. Jackson (chairman of the committee) presiding.

Present: Senators Henry M. Jackson (Washington), Ernest Gruening (Alaska), Frank E. Moss (Utah), Quentin N. Burdick (North Dakota), Thomas H. Kuchel (California), Gordon Allott (Colorado), Milward L. Simpson (Wyoming), and Paul Fannin (Arizona).

Also present: Jerry T. Verkler, staff director; Stewart French, chief counsel; Richard N. Little, minority counsel; and Richard W. C. Falknor, special assistant.

Senator JACKSON. The committee will come to order.

This morning, the committee will consider S. 1229, a bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

S. 1229 contemplates a common policy regarding the recreation and fish and wildlife functions of Federal multiple-purpose water projects. This subject, so important in this era of fast-growing recreational needs, has already received considerable study by the executive agencies concerned and the Committee on Interior and Insular Affairs of the House of Representatives.

In its deliberations upon the administration proposals, the committee will necessarily want to review the existing method of cost allocation in multiple-purpose water resources projects. It is in the general context of the so-called separable costs-remaining benefits method of cost allocation that the recommendations embodied in S. 1229 must be understood.

I am confident that the capable representatives of the Bureau of the Budget and the Department of the Interior will be able to go into this method in some detail after they summarize the general objectives the administration seeks through S. 1229.

I shall direct that, at this point in the record, the text of S. 1229 be inserted together with the executive communication from the Bureau of the Budget and the report from the Department of the Interior.

(The information referred to follows:)

[S. 1229, 89th Cong., 1st sess.]

A BILL To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress and the intent of this Act that (a) full consideration shall be given to outdoor recreation opportunities and fish and wildlife enhancement where these can be provided or enhanced in the investigation, planning, construction, operation, and maintenance of Federal navigation, flood control, reclamation, hydroelectric and multiple-purpose water resource projects; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are authorized by law for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

SEC. 2. (a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and to bear not less than one-half the separable costs of the project allocated to recreation and fish and wildlife enhancement and all the costs of operation, maintenance and replacement of recreation and fish and wildlife enhancement lands and facilities: (1) the benefits of the project to recreation and fish and wildlife enhancement shall be taken into account in determining the economic benefits of the project; (2) costs shall be allocated to the purposes of recreation and fish and wildlife enhancement and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means; and (3) not more than one-half the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable. Projects authorized before January 1, 1966, may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of projects authorized pursuant to this section.

(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and if the fee schedule and the portion of fees dedicated to repayment are made subject to review and renegotiation at intervals of not more than five years.

SEC. 3. (a) In the absence of an indication of intent as specified in subsection 2(a), facilities or project modifications shall not be provided expressly for recreation and fish and wildlife enhancement; minimum facilities for the public health and safety may be provided at access points provided by roads existing at the time of project construction and roads constructed for the administration and

management of the project. For projects authorized pursuant to section 3 hereof, the recreation and fish and wildlife enhancement benefits shall be limited to the number of visitor days and the value per visitor day which would take place on the basis of the provision of minimum facilities for public health and safety, and excluding any additional land which may be acquired expressly to provide for subsequent recreation or fish and wildlife enhancement development as provided under subsection 3(b); for projects authorized pursuant to this subsection, all costs allocated to recreation and fish and wildlife enhancement shall be nonreimbursable.

(b) In the absence of an indication of intent as specified in subsection 2(a), lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project—

(1) if non-Federal public bodies execute an agreement within ten years after initial operation of the project which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and will bear not less than one-half the cost of lands, facilities, and project modifications provided for those purposes and all costs of operation, maintenance, and replacement of recreation and fish and wildlife enhancement facilities, not more than one-half the costs of lands, facilities, and project modifications provided pursuant to paragraph (1) of this subsection may be borne by the United States and such costs shall be nonreimbursable. Such agreement and subsequent development shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) if, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of subsection 3(b), the head of the agency having jurisdiction over the project may convey the possession and control of any lands provided pursuant to subsection 3(b) by deed, lease, or otherwise, to any Federal agency, or to any person or non-Federal body, for the purpose of recreation, fish and wildlife enhancement, or use as a summer residence, or for the operation on such lands of pleasure resorts for boating, fishing, or any similar purpose, or for any other purpose which would not conflict with the purposes for which the project was constructed: *Provided*, That no transfer authorized herein, except transfer by conveyance at full market value under the then existing conditions, shall be made without approval of the President of the United States.

SEC. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the costs of operation, maintenance, and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be transferred to the non-Federal public bodies at no cost.

SEC. 5. Nothing herein shall be construed as preventing or discouraging post-authorization development of any project for recreation and fish and wildlife enhancement by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

SEC. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report on any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897).

(b) Nothing in this Act shall be construed as amending the first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)), and the second proviso of subsection 2(d) of that Act is hereby repealed.

(c) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but

for the establishment of a migratory waterfowl refuge at the project, shall not exceed \$28,000,000: *Provided*, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

(d) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended.

(e) Sections 2, 3, 4, and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(f) As used in this Act, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(g) Subsection 6(a) (2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b)(1) of this Act.

(h) All payments and repayment by non-Federal public bodies under the provisions of this Act, and revenue from the conveyance by deed, lease, or otherwise, of lands under subsection 3(b)(2) of this Act, shall be deposited in the Treasury as miscellaneous receipts.

SEC. 7. (a) The Secretary of the Interior is authorized as a part of any water resource development project under his control heretofore or hereafter authorized or reauthorized, except projects or areas within national wildlife refuges, or investigate, plan, construct, operate, and maintain or otherwise provide for public outdoor recreation facilities, to acquire or otherwise to include within the project area such adjacent lands or interests therein as are necessary for present or future public recreation use, to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes, and at projects hereafter authorized or reauthorized, to allocate water and reservoir capacity to recreation. Lands, facilities, and project modifications may be provided in accordance with subsection 3(b), hereof, at projects heretofore authorized.

(b) The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease, conveyance, or exchange, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes.

(c) No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation purposes under the authority of this section without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent of the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation development of water resource projects or to disposition of public lands for recreational purposes.

SEC. 8. As used in this Act—

(a) The term "project" shall mean a project or any appropriate unit thereof.

(b) The term "cost" shall mean the value of goods and services (land, labor and supplies) used for the establishment, maintenance and operation of the project.

(c) The term "separable costs" shall mean the cost for each project purpose which is the difference between the cost of the multiple-purpose project and the cost of the project with the purpose omitted.

(d) The term "joint costs" shall mean the difference between the cost of the multiple-purpose project as a whole and the total of the separable costs for all project purposes.

SEC. 9. This Act may be cited as the "Federal Water Project Recreation Act".

EXECUTIVE OFFICE OF THE PRESIDENT.

BUREAU OF THE BUDGET.

Washington, D.C., February 19, 1965.

HON. HENRY M. JACKSON,

*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: In the 88th Congress, your committee had before it for consideration a bill, S. 2733, "To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control." A similar bill, H.R. 52, has been introduced in this Congress in the House of Representatives.

Enclosed herewith for your information is a copy of our letter responding to a request for views on H.R. 52 from the House Committee on Interior and Insular Affairs. The enclosed letter and recommended substitute bill set forth the administration's position on uniform policies regarding recreation and fish and wildlife enhancement at water resource projects. I will be glad to furnish you with any additional information you may wish to have on this matter.

Sincerely,

ELMER B. STAATS,

Deputy Director.

[Enclosure]

EXECUTIVE OFFICE OF THE PRESIDENT,

BUREAU OF THE BUDGET.

Washington, D.C., February 19, 1965.

HON. WAYNE N. ASPINALL,

*Chairman, Committee on Interior and Insular Affairs, House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your letter of January 6, 1965, requesting the views of the Bureau of the Budget on H.R. 52, a bill "To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control."

This bill is identical to H.R. 9032, as reported by your committee in the last Congress. It recognizes that the demands of the American people for all types of recreation, especially water oriented outdoor recreation, have increased sharply and should be fully considered in the planning and construction of Federal multiple-purpose water resources projects. There is need for uniform policies, including cost sharing and reimbursement policies, in the treatment of recreation and fish and wildlife as part of these projects. H.R. 52 would also provide the Secretary of the Interior with general authority, comparable to that now available to the Department of the Army, for recreation development of projects under his control.

The policies and provisions embodied in H.R. 9032 have been applied to water resources projects in the planning stage from the time it was introduced. The experience in applying these policies in the past year brought to light several difficulties with respect to the cost sharing provisions. Therefore, we, together with the interested Federal agencies, have carefully reconsidered the problem. The results of this restudy are reflected in the enclosed substitute draft bill which is transmitted for your consideration.

One of the objectives of the draft bill, as well as of H.R. 52, is to encourage non-Federal development and administration of recreation and fish and wildlife enhancement features of water resources projects except where such are appropriate for Federal administration. The bill recognizes that there are non-Federal as well as Federal responsibilities with respect to the provision of outdoor recreation opportunities and fish and wildlife enhancement. We believe the cost-sharing provisions of the draft bill to be equitable. It is anticipated that the Federal construction agencies will work with the States and local governments in the determination of the scale and development of recreation and fish and wildlife enhancement. Thus, these developments can be provided to the extent of non-Federal sharing of the costs of such lands and facilities. Also, the draft bill encourages and provides for transfer of facilities at existing projects to non-Federal interests.

The provisions of the draft bill are not described here but are covered in the enclosed section-by-section analysis of the bill.

Enactment of the draft bill would establish general cost-sharing and reimbursement policy for recreation and fish and wildlife enhancement. The formulation of a general policy to fit every circumstance is made difficult by the great variety among water resources projects—in size, purposes served, and problems encountered. Therefore, the water resources agencies may in some instances recommend departures from the general policy.

The Bureau of the Budget, with the concurrence of the Department of the Interior and the Department of the Army, recommends the enclosed draft bill be substituted for H.R. 52 and that it be enacted. Its enactment would be consistent with the administration's objectives.

Sincerely,

ELMER B. STAATS,
Deputy Director.

[Attachments]

A BILL To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress and the intent of this Act that (a) full consideration shall be given to outdoor recreation opportunities and fish and wildlife enhancement where these can be provided or enhanced in the investigation, planning, construction, operation, and maintenance of Federal navigation, flood control, reclamation, hydroelectric, and multiple-purpose water resource projects; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are authorized by law for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

SEC. 2. (a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and to bear not less than one-half the separable costs of the project allocated to recreation and fish and wildlife enhancement and all the costs of operation, maintenance, and replacement of recreation and fish and wildlife enhancement lands and facilities: (1) the benefits of the project to recreation and fish and wildlife enhancement shall be taken into account in determining the economic benefits of the project; (2) costs shall be allocated to the purposes of recreation and fish and wildlife enhancement and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means; and (3) not more than one-half the separable costs and all the

joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable. Projects authorized before January 1, 1966, may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of projects authorized pursuant to this section.

(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within 50 years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and if the fee schedule and the portion of fees dedicated to repayment are made subject to review and renegotiation at intervals of not more than 5 years.

SEC. 3. (a) In the absence of an indication of intent as specified in subsection 2(a), facilities or project modifications shall not be provided expressly for recreation and fish and wildlife enhancement; minimum facilities for the public health and safety may be provided at access points provided by roads existing at the time of project construction and roads constructed for the administration and management of the project. For projects authorized pursuant to section 3 hereof, the recreation and fish and wildlife enhancement benefits shall be limited to the number of visitor days and the value per visitor day which would take place on the basis of the provision of minimum facilities for public health and safety, and excluding any additional land which may be acquired expressly to provide for subsequent recreation or fish and wildlife enhancement development as provided under subsection 3(b); for projects authorized pursuant to this subsection, all costs allocated to recreation and fish and wildlife enhancement shall be nonreimbursable.

(b) In the absence of an indication of intent as specified in subsection 2(a), lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project.

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project, which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and will bear not less than one-half the costs of lands, facilities and project modifications provided for those purposes and all costs of operation, maintenance and replacement of recreation and fish and wildlife enhancement facilities, not more than one-half the costs of lands, facilities, and project modifications provided pursuant to paragraph (1) of this subsection may be borne by the United States and such costs shall be non-reimbursable. Such agreement and subsequent development shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of subsection 3(b), the head of the agency having jurisdiction over the project may convey the possession and control of any lands provided pursuant to subsection 3(b) by deed, lease, or otherwise, to any Federal agency, or to any person or non-Federal body, for the purpose of recreation, fish and wildlife enhancement, or use as a summer residence, or for the operation on such lands of pleasure resorts for boating, fishing, or any similar purpose, or for any other purpose which would not conflict with the purposes for which the project was constructed: *Provided*, That no transfer authorized herein, except transfer by conveyance at full market value under the then existing conditions, shall be made without approval of the President of the United States.

SEC. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the costs of operation, maintenance and replacement of existing facilities serving those purposes, such facilities and appro-

priate project lands may be transferred to the non-Federal public bodies at no cost.

SEC. 5. Nothing herein shall be construed as preventing or discouraging post-authorization development of any project for recreation and fish and wildlife enhancement by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

SEC. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report on any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Act of 1965 (78 Stat. 897).

(b) Nothing in this Act shall be construed as amending the first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)), and the second proviso of subsection 2(d) of that Act is hereby repealed.

(c) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed \$28,000,000: *Provided*, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

(d) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended.

(e) Sections 2, 3, 4 and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(f) As used in this Act, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(g) Subsection 6(a) (2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b) (1) of this Act.

(h) All payments and repayment by non-Federal public bodies under the provisions of this Act, and revenue from the conveyance by deed, lease or otherwise, or lands under subsection 3(b) (2) of this Act, shall be deposited in the Treasury as miscellaneous receipts.

SEC. 7. (a) The Secretary of the Interior is authorized as a part of any water resource development project under his control heretofore or hereafter authorized or reauthorized, except projects or areas within national wildlife refuges, to investigate, plan, construct, operate and maintain or otherwise provide for public outdoor recreation facilities, to acquire or otherwise to include within the project area such adjacent lands or interests therein as are necessary for present or future public recreation use, to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes, and at projects hereafter authorized or reauthorized, to allocate water and reservoir capacity to recreation. Lands, facilities and project modifications may be provided in accordance with subsection 3(b), hereof, at projects heretofore authorized.

(b) The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease, conveyance, or exchange, upon such terms and

conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes.

(c) No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation purposes under the authority of this section without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation development of water resource projects or to disposition of public lands for recreational purposes.

SEC. 8. As used in this Act—

(a) The term "project" shall mean a project or any appropriate unit thereof.

(b) The term "cost" shall mean the value of goods and services (land, labor and supplies) used for the establishment, maintenance and operation of the project.

(c) The term "separable costs" shall mean the cost for each project purpose which is the difference between the cost of the multiple-purpose project and the cost of the project with the purpose omitted.

(d) The term "joint costs" shall mean the difference between the cost of the multiple-purpose project as a whole and the total of the separable costs for all project purposes.

SEC. 9. This Act may be cited as the "Federal Water Project Recreation Act".

FEDERAL WATER PROJECT RECREATION ACT

SECTION-BY-SECTION ANALYSIS

SECTION 1

Section 1 states congressional policy that (a) full consideration shall be given to recreation and fish and wildlife enhancement as purposes of Federal water resources project; (b) planning with respect to recreation aspects of a project shall be coordinated with existing and planned recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to assume responsibility for management of project areas and facilities, except at those projects or project areas which are appropriate for Federal administration because of other Federal programs.

Areas which may be appropriate for Federal administration include national recreation areas, and areas which are part of the national forest system, part of the public lands classified for retention in Federal ownership, or part of lands administered under an authorized Federal program for the conservation and development of fish and wildlife. The following seven types of areas are included in this last category: wildlife refuges, wildlife ranges, game ranges, waterfowl production areas, wildlife management areas, national fish hatcheries, and areas for the protection and conservation of fish and wildlife that are rare or threatened with extinction.

As used throughout this bill, the term "non-Federal public bodies" includes such public entities as States, counties, municipalities, recreation districts, or other special purpose districts with sufficient authority to participate under the provisions of this bill. The term also includes a combination of two or more of the foregoing entities.

SECTION 2

Subsection 2(a) provides that if non-Federal public bodies express an intent before project authorization, and execute an agreement before initiation of proj-

ect construction, to administer project land and water areas for recreation and fish and wildlife enhancement and to pay or repay at least one-half the costs of providing lands, facilities, and project modifications and all costs of operation, maintenance, and replacement of such lands, facilities, and project modifications which are not integral parts of the Federal project, then the Federal Government will bear all joint costs allocated to recreation and fish and wildlife enhancement and up to one-half of the costs of lands, facilities, and project modifications for those purposes. Project modifications include, for example, the raising of the height of a dam so as to provide increased storage capacity, or the construction of a subimpoundment in an arm of a reservoir, specifically for recreation or fish and wildlife enhancement.

It is anticipated that under the provisions of the bill the Federal construction agency will work with non-Federal public interests to develop a short- and long-range plan of development for recreation and fish and wildlife enhancement which should be provided at the project. For example, where there is little demand for recreation facilities, such facilities should be provided only to the extent local participation permits.

A statement of intent to participate by non-Federal public bodies is generally required by the bill if provision is to be made specifically for recreation and fish and wildlife enhancement at a project. However, it is not believed desirable to delay authorization of projects on which planning has been completed by further referral of the project report to non-Federal public bodies. Therefore, the bill provides that for projects authorized prior to January 1, 1966, an expression of intent to participate by non-Federal interests will not be required. For all projects, however, an executed agreement to participate will be required prior to initiation of project construction. If, after indicating intent to participate, non-Federal interests do not execute such an agreement, the project would be treated as though there had been no original statement of intent and would be constructed under provisions similar to those contained in section 3.

Under the provisions of subsection 2(b), non-Federal public bodies may pay or repay their share of costs of development (excluding those operation, maintenance, and replacement costs which they must bear directly) under either or both of the following methods, as determined appropriate by the head of the agency having jurisdiction over the project: (1) payment, or provision of lands or facilities required by the project, or (2) repayment, within 50 years, with interest at a rate comparable to that for other interest-bearing functions of water resource projects. The source of repayment under (2) may be limited to a portion of the entrance and user fees collected at the project by non-Federal interests. The fee schedule and the percentage of the fees dedicated to repayment of the non-Federal share shall be established, and periodically reviewed, to achieve repayment in the period specified.

The latter provision allows non-Federal interests, if they so desire, to discharge their obligation to repay by charging fees to the recreation user and applying a portion of the fee toward repayment while applying the remaining portion toward their operation and maintenance costs.

SECTION 3

Subsection 3(a) recognizes that in some areas non-Federal interests may not want to participate in a project because they have sufficient recreation and fish and wildlife developments or because of other reasons. In such cases, water resources projects would not be held back because of the lack of non-Federal participation in recreation and fish and wildlife enhancement. In those instances, no facilities or project modifications would be provided expressly for recreation and fish and wildlife enhancement. The likelihood that a project, even without recreation facilities, may be utilized for recreation is recognized. However, it is believed that the recreation and fish and wildlife benefits would be minimal under these circumstances. Any costs allocated to recreation and fish and wildlife enhancement under these conditions would be nonreimbursable.

Since some recreational use of a project is anticipated even without recreation facilities, the bill provides for facilities for public health and safety. These facilities would include guard rails, turnarounds at the ends of roads, and minimum sanitary facilities. Parking, picnicking, swimming, or camping areas or facilities, or more elaborate sanitary facilities would not be provided under this subsection.

Most water resources projects provide some potential for recreation or fish and wildlife enhancement. For this reason, subsection 3(b) provides for the

acquisition or provision of lands in connection with any project to preserve this recreation or fish and wildlife enhancement potential even where there is no indication of intent of non-Federal cost sharing as specified in subsection 2(a). If, within 10 years after initial operation of the project, non-Federal interests desire to develop the recreation or fish and wildlife potential and agree to bear one-half the cost of the land, facilities, and any project modification for these purposes, and all costs of operation, maintenance, and replacement, then the development of the recreation and fish and wildlife enhancement potential could be undertaken pursuant to a plan of development. The Federal Government would bear up to one-half the costs of the land, facilities and project modifications for those purposes. If such an agreement is not obtained, the construction agency would be authorized to dispose of the land by sale, lease or in some other manner, to any person or non-Federal body after determining that such land is not required by another Federal agency. Disposal may be made for recreation, fish and wildlife enhancement, or for any other purpose as long as such use does not conflict with the purposes for which the project was constructed.

SECTION 4

To encourage non-Federal administration of the recreation and fish and wildlife enhancement features at existing Federal water resources projects (completed or under construction), the bill would authorize Federal water resource agencies to transfer recreation and fish and wildlife enhancement facilities, and appropriate project lands, at no cost to non-Federal public bodies if they agree to administer the facilities and to bear the costs of operation, maintenance and replacement of such lands and facilities.

SECTION 5

Section 5 makes it clear that incremental or subsequent development of recreation and fish and wildlife enhancement at any project shall not be discouraged. Other programs, as under the Land and Water Conservation Fund Act of 1965, could be used to develop recreation at projects that are not developed in accordance with other provisions of this bill. Development under such conditions will not, however, provide a basis for allocation or reallocation of any project costs to recreation and fish and wildlife enhancement.

SECTION 6

Subsection 6(a) provides that the views of the Secretary of the Interior, developed in accordance with the organic act of the Bureau of Outdoor Recreation, shall be included in each project report. The Secretary's report would indicate the extent to which the proposed project is in accord with the State comprehensive recreation plan developed pursuant to the Land and Water Conservation Act of 1965.

Subsection 6(b) confirms the limitations of the first proviso of subsection 2(d) of the Fish and Wildlife Coordination Act (72 Stat. 563; 16 U.S.C. 622(d)) with respect to measures for the enhancement of fish and wildlife properly includible in a Federal water resource project; it repeals the second proviso of that subsection of the Fish and Wildlife Coordination Act, which applies to projects constructed under reclamation law. The effect of the repeal of the second proviso is twofold: First, it will result in the costs of mitigation of project-occasioned damage to fish and wildlife being distributed among all project purposes the same as any other project cost; and, second, it will terminate the reimbursement policy for costs allocated to fish and wildlife enhancement now set out in the Fish and Wildlife Coordination Act so that the reimbursement policy established by this bill may take effect.

Subsection 6(c) places a limitation of \$28 million on water resource project funds that may be expended for land acquisition to accomplish the Federal Government's obligations to conserve and protect migratory waterfowl. These expenditures are in addition to those made from the migratory bird conservation fund for migratory waterfowl refuges. The \$28 million limitation applies only to expenditures for acquisition of lands or interests in lands which would otherwise not be acquired, when they are acquired at a water resource project for incorporation into a migratory waterfowl refuge. The limitation specifically does not apply to expenditures for the mitigation of damages to migratory waterfowl, since that is properly a project cost to be allocated to project purposes in the same manner as any other project cost.

Subsection 6(d) provides that the bill shall not apply to the Tennessee Valley Authority, nor to projects constructed under the authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended. It is believed that cost sharing and reimbursement requirements for recreation and fish and wildlife enhancement at small reclamation projects should be considered in relation to such requirements as now exist at watershed protection projects.

The Tennessee Valley Authority believes it has adequate authority to plan for, evaluate benefits from, and allocate costs to recreation and fish and wildlife enhancement in connection with multiple-purpose projects. TVA believes that the bill contains language which is inappropriate for TVA, for example, the requirement that the views of the Secretary of the Interior be included in any report concerning a project within the bill's purview. While TVA consults and cooperates with other Federal agencies, TVA believes it must as a unified development agency take full responsibility for all phases of projects which it plans and constructs. This was recognized in TVA's exemption from the Fish and Wildlife Coordination Act. Furthermore, the general policy of the Tennessee Valley Authority is not to provide recreation facilities at Federal cost but to transfer lands adjacent to reservoirs to non-Federal bodies for recreation development and management. The TVA has been quite successful in this policy.

Subsection 6(e) provides that such projects as local nonreservoir flood control, beach erosion control, small boat harbor, and hurricane protection projects shall be excluded from the cost-sharing and reimbursement provisions of the bill because existing policies cover these projects. Cost sharing shall not be required for project areas that are appropriate for Federal administration.

Subsection 6(f) states that the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

Subsection 6(g) provides that the provision of the Land and Water Conservation Fund Act of 1965 which calls for the use of the fund to help offset the capital costs of recreation at Federal projects shall not be applied to projects at which non-Federal interests execute an agreement to share development costs and to bear the costs of operation and maintenance. The reason for this provision is that Federal recreation fees will not be charged at these projects. The offset provision would apply, however, to the capital costs of projects where non-Federal interests do not assume responsibility for the administration of project areas for recreation.

Subsection 6(h) provides that all moneys received (payments, repayments, or revenue from conveyance of land) under the terms of this bill shall be deposited in the miscellaneous receipts of the Treasury.

SECTION 7

The purpose of section 7 is to provide the Secretary of the Interior with authority similar to that already available to the Secretary of the Army. Since 1944 the Department of the Army has had basic statutory authority to provide recreation development at reservoir projects under its control; in 1962 this authority was expanded to embrace water resource development projects generally (sec. 4 of the act of Dec. 22, 1944, as amended; 16 U.S.C. 460(d)). On the other hand, only piecemeal authority exists for certain individual projects under the control of the Department of the Interior. A notable example of this project-by-project approach is section 8 of the Colorado River Storage Project Act of 1956 (70 Stat. 105; 43 U.S.C. 620(g)). Enactment of the proposed legislation will fill in the statutory gaps and permit the realization of potential returns on recreation resources created by public investment in the development of water resource projects of the Department of the Interior.

Subsection 7(a) provides that the Secretary of the Interior may plan, construct, operate, and maintain, or otherwise provide for public outdoor recreation facilities, and acquire land for such purpose, at any existing or hereafter authorized or reauthorized project. In addition, at projects hereafter authorized or reauthorized, he may also allocate water and reservoir capacity to recreation. Lands, facilities and project modifications may be provided at existing projects only if non-Federal public bodies agree to administer the project lands and water areas for recreation and to bear costs in accordance with section 2.

Subsection 7(b) authorizes the Secretary of the Interior to transfer to other Federal agencies or State or local bodies, project lands and facilities for operation and maintenance for recreation purposes.

Subsection 7(c) provides that, with the consent of the Federal agency having jurisdiction over lands required for recreation purposes at any project, such Federal agency is authorized to transfer lands so required to the Secretary of the Interior. The latter is also authorized to transfer to the Secretary of Agriculture project lands and facilities for recreation purposes when such project lands are adjacent to or within national forests, and such transfer shall be made, unless the Secretaries jointly agree otherwise, when the project is wholly within the exterior boundaries of a national forest. Any lands so transferred shall become national forest lands, but to the extent required for operation of the project for purposes other than recreation, the lands shall be administered by the Secretary of the Interior.

SECTIONS 8 AND 9

Section 8 defines terms used in the bill.

Section 9 provides that the bill may be cited as the "Federal Water Project Recreation Act."

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 19, 1965.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This responds to your request for the views of the Department of the Interior on S. 1229, a bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

We strongly recommend enactment of the bill, which was transmitted to the Congress by the administration on February 19, 1965.

The Nation's needs for outdoor recreation opportunities have mushroomed in recent years as our population and available leisure have burgeoned. Growing recreation use of Federal reservoirs is only one indication of these increasing recreation demands. This intensive recreation use demonstrates that many recreation needs—particularly those for fishing, hunting, and water-oriented recreation—can be met satisfactorily and economically through appropriate development and management of Federal water resource developments. Recognition of this fact has prompted the quest of the past 2 years for a viable uniform policy to insure that proper recreation development of Federal water resource projects is achieved on terms that are equitable to all interests that share in the costs and benefits of Federal multiple-purpose projects. In our judgment S. 1229 would establish such a policy, and we strongly endorse the bill. It would close vexing questions which have troubled both the Congress and the resource agencies of the executive branch ever since it became apparent that recreation should have coequal status as a purpose of Federal water resource projects.

S. 1229 is a complementary measure to the Land and Water Conservation Act of 1965, the landmark recreation achievement of the 88th Congress. It would establish policy for a joint Federal-non-Federal effort to provide for recreation at water resource projects under ground rules that parallel those governing the joint Federal-State recreation effort under the Land and Water Conservation Fund Act. In addition to setting uniform policy for the treatment of recreation and fish and wildlife costs and benefits, S. 1229 would provide the Secretary of the Interior with long-overdue authority to develop water resource projects under his jurisdiction for recreation.

The following interpretations and comments on S. 1229 are offered on behalf of the Department of the Interior:

Section 1 of the bill states the policy of the Congress respecting planning and providing for outdoor recreation and fish and wildlife enhancement at Federal water resources projects. This policy is that full consideration shall be given to those purposes and that planning of Federal projects shall be directed toward the realization of the recreation and fish and wildlife enhancement potential of the project within a coordinated plan that considers all recreation development.

Section 1(c) recognizes that on some projects Federal management for recreation and fish and wildlife enhancement purposes will be appropriate, and, equally

important, recognizes the proper role of States and other non-Federal public bodies in managing Federal project land and water areas for those purposes. Project planning in the Department of the Interior will be conducted in accordance with these policies, with provision for Federal administration or encouragement of non-Federal administration in accordance with the precepts of the bill. Three points should be made regarding section 1(c). The first is that planning agencies such as the Bureau of Outdoor Recreation and the Bureau of Sport Fisheries and Wildlife, as well as construction agencies, will be involved in coordinating and planning recreation and fish and wildlife enhancement developments. Likewise, the role of encouraging non-Federal bodies to administer project land and water areas for recreation and fish and wildlife enhancement is not expected to be limited to project construction agencies. Second, we believe that section 1(c) should not be read to require exclusive Federal management of national recreation areas. The Recreation Advisory Council has envisioned joint Federal-non-Federal operation and management of national recreation areas under some circumstances. Some national recreation areas may be proposed for authorization on that basis; cost-sharing arrangements would have to be tailored to the situation. Third, we interpret the words "public lands classified for retention in Federal ownership" in line 14, page 2, as including lands so classified under the Classification and Multiple Use Act of September 19, 1964 (78 Stat. 986) or subsequently so classified after expiration of that act.

The references throughout the bill to non-Federal public bodies would be construed to include such agencies as irrigation districts, recreation districts, conservancy districts, and public utility districts, as well as State and local governments. Also, the management and cost-sharing responsibilities on a given project may be shared among several non-Federal public bodies.

A printing error in subsection 3(b) casts doubt upon the meaning of paragraphs 3(b)(1) and 3(b)(2). These paragraphs state the alternative for dealing with lands provided pursuant to subsection 3(b) and not limitations upon the authority to provide such lands. To make this clear a period should be substituted for the dash after the word "project" in line 11, page 5, and the word "if" in line 12, page 5, and line 5, page 6, should be capitalized. Another ambiguity in paragraph 3(b)(1) is found in lines 22, 23, and 24 of page 5; this paragraph would be more clear if these lines were changed to read as follows: "than one-half the costs of lands provided pursuant to this subsection, and facilities and project modifications provided pursuant to the plan of development may be borne by the United States and". We interpret the phrase "lands may be provided" in subsection 3(b) to mean that lands may be acquired, accepted as donations, or, in the case of public lands, withdrawn and reserved in order to preserve the indicated recreation and fish and wildlife potential of the project. We expect to continue to follow the present joint Army-Interior reservoir land acquisition policy in providing recreation and fish and wildlife enhancement lands at projects under this Department's jurisdiction.

As the section-by-section analysis transmitted on February 19, 1965, by the administration provides, lands subject to disposition under paragraph 3(b)(2) of the bill would be offered first to Federal agencies and, if such lands are not required by a Federal agency, to non-Federal entities or private persons for purposes not in conflict with the project.

As a matter of precise draftsmanship, the words "pursuant to this section" should be substituted for the words "pursuant to section 3 hereof" in lines 22 and 23 on page 4. Also, the word "fair" should be substituted for the word "full" in line 19, page 6; "fair market value" is a well-understood term of art that should be retained in this context.

The second sentence of section 6(a) of the bill is designed to apply only to the recreational aspects of developments for fish and wildlife enhancement and to insure that those aspects be considered in relation to the State comprehensive recreation plans developed under the Land and Water Conservation Act of 1965. The views and recommendations of the Secretary of the Interior with respect to fish and wildlife conservation and development would continue to be an integral part of water resource projects reports as now required by the Fish and Wildlife Coordination Act.

To make it clear that facilities recommended in project reports for fish and wildlife enhancement may be provided in accordance with the terms of the bill, section 6(b) should be revised to read as follows:

"(b) The first proviso of subsection 2(d) of the Act of Congress August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)) is amended to read as follows: 'Provided,

That such cost attributable to the development and improvement of wildlife shall not be extended beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities.' The second proviso of subsection 2(d) of said act is hereby repealed."

Such facilities might include small impoundments, spawning channels, and residences for wildlife area managers.

The Deputy Director of the Bureau of the Budget pointed out in his letter of February 19, 1965 that:

"Enactment of (S. 1229) would establish general cost-sharing and reimbursement policy for recreation and fish and wildlife enhancement. The formulation of a general policy to fit every circumstance is made difficult by the great variety among water resources projects—in size, purposes served, and problems encountered. Therefore, the water resources agencies may in some instances recommend departures from the general policy."

We, too, recognize that in this complex field general legislation cannot anticipate the diversities that will be encountered. For example, problems may arise in maintenance of streamflow for downstream fishing enhancement—perhaps across State boundaries. Also, the bill contemplates administration of project areas and cost-sharing by non-Federal public bodies. In the absence of a governmental or quasi-governmental agency to undertake these obligations a project might be proposed for full management and cost-sharing by a nonprofit private organization if full public access could be provided.

Finally, the bill does not purport to cover project recreation and fish and wildlife enhancement costs where Federal administration for those purposes is appropriate. In such cases, our project formulation will be on the basis that all costs allocated to those purposes would be nonreimbursable.

The Bureau of the Budget has advised that there would be no objection to the presentation of this report, and that enactment of S. 1229 would be consistent with the administration's objectives.

Sincerely yours,

KENNETH HOLUM,
Assistant Secretary of the Interior.

Senator JACKSON. The committee also has received a statement from Senator Symington which will be included in the record. In addition, we have a number of communications concerning the proposed legislation, and without objection I will direct that they appear at the conclusion of the oral presentations and discussions.

(The statement referred to follows:)

STATEMENT OF HON. STUART SYMINGTON, A U.S. SENATOR FROM THE
STATE OF MISSOURI

Mr. Chairman and members of the committee, I appreciate this opportunity to present my views on S. 1229—the "Federal Project Recreation Act."

Several additional Federal reservoir projects are badly needed in Missouri to provide the necessary flood protection and meet our future demands for water supply and power sources. We have become increasingly aware of the vital role which proper water resource development will have in the continued prosperity of our State and Nation.

Therefore, we are immediately concerned by any proposed change in policy or procedure affecting such development.

This past session of Congress, the Bureau of the Budget recommended H.R. 9032 which contained a formula with respect to non-Federal responsibility and recreational development in conjunction with Federal reservoirs. Under that plan there would have been little or no possibility of developing Missouri Basin projects located in areas of economic decline and critical loss of population.

At that time, we urged that the policy be eliminated and asked the Bureau of the Budget to review the formula which would have imposed such an unreasonable burden on the local interests as to preclude this type of development.

The people of Missouri recognize the need for a uniform policy on cost sharing on extra recreational and fish and wildlife benefits in multiple-purpose, federally constructed reservoirs.

But it is our belief that minimum basic recreational and sanitary facilities, such as those furnished on reservoirs in the past, should continue to be the responsibility of the Federal Government.

We believe this new policy, worked out by the Bureau of the Budget, Army Engineers, the Department of the Interior, and other interested agencies, recognizes this principle of Federal responsibility for these basic benefits and facilities.

At the same time, we believe S. 1229 will provide a naturally acceptable procedure for local or State government agencies to work with the Federal Government in providing needed, additional recreation and fish and wildlife benefits on a reasonable basis.

For these reasons, we believe S. 1229 to be acceptable and an improvement over the prior administration cost-sharing policy for benefits in addition to those supplied on previous multiple-purpose projects.

Senator JACKSON. Our first witness this morning is Mr. Elmer B. Staats, Deputy Director of the Bureau of the Budget. Mr. Staats, we are happy to welcome you this morning. I know of no one who has wrestled with the problem this legislation seeks to solve longer through the years than yourself, and I know that you will be able to give us a good picture of what the administration seeks to do, and of course, as always, will be responsive to the questions of the committee.

Mr. Staats.

STATEMENT OF ELMER B. STAATS, DEPUTY DIRECTOR, BUREAU OF THE BUDGET; ACCOMPANIED BY WESLEY K. SASAKI, ASSISTANT DIVISION CHIEF, RESOURCES AND CIVIL WORKS DIVISION, AND JOHN B. ROOSE, BUDGET EXAMINER, RESOURCES AND CIVIL WORKS DIVISION

Mr. STAATS. Thank you, Mr. Chairman. I have with me this morning Mr. Sasaki and Mr. Roose of our Resources and Civil Works Division, who have been working closely on this bill, and I am sure will be able to answer any of the committee's questions, if I can't.

Let me say at the outset, Mr. Chairman, that I appreciate very much, as always, the opportunity to appear before this committee, with which we have had such a close and fruitful relationship. The topic we are concerned with this morning has been one of the most troublesome ones that we have had, over the years, and it is our hope that we have in the proposal that the administration has sent forward to the Congress a wide measure of agreement among the Federal agencies with respect to an approach to this problem.

I think I should say also that I think the basis and the groundwork for our ability to come forward with a proposal with this degree of consensus stems in part, at least, from the fact that the Congress last year enacted the Land and Water Conservation Fund bill and in that way outlined a cooperative Federal-State approach to the development of recreational facilities.

I believe that the proposal which we have here today fits very well, and is consistent and consonant with the philosophy of that Land and Water Conservation Fund Act which this committee spent so much time on last year.

I have a prepared statement, Mr. Chairman. With your concurrence, I will read it, and then be prepared to answer questions.

The demand for all forms of outdoor recreation has been rapidly increasing and is expected to accelerate in the years ahead. A large portion of the demand is for water-oriented recreation—not only

those activities directly associated with water such as swimming, boating, water skiing, and fishing, but also related activities such as picnicking and camping. Water-oriented outdoor recreation is dependent in many areas upon Federal water resource projects, and the increasing demand for such recreation has resulted in general recognition that outdoor recreation should be considered fully along with other purposes in the formulation and management of water resources projects.

General policies, particularly cost-sharing and reimbursement policies, are needed for the treatment of recreation and fish and wildlife as part of Federal water resource projects. At the same time, the Secretary of the Interior should have general authority, comparable to that now available to the Department of the Army, for recreation development of projects under his control. S. 1229 would establish desirable general policies and also provide the Secretary of the Interior with appropriate authority.

The bill recognizes that there are non-Federal as well as Federal responsibilities in providing recreation and fish and wildlife developments. As this committee is well aware, the Land and Water Conservation Fund Act of 1965 recognized such a division of responsibility by authorizing grants to States for acquiring and developing recreation areas. S. 1229 is consistent with that approach.

Recreation opportunities provided by Federal water resource projects in most cases will be of primary benefit to people living in the locality of the project. In the absence of the project, there would be little question that the provision of similar recreation opportunities would be a non-Federal responsibility. Thus, it would seem appropriate and equitable generally to require some cost sharing by State and local interests. It is also appropriate for the Federal Government to bear part of the costs of providing recreation opportunities at Federal water resource projects. S. 1229 is based on these concepts.

Section 1 of the bill states congressional policy that (1) full consideration shall be given to recreation and fish and wildlife enhancement as part of Federal water resource projects; (2) planning with respect to recreation aspects of a project shall be coordinated with existing and planned recreation developments; and (3) except where Federal administration is authorized, non-Federal public bodies will be encouraged to assume responsibility for the management of project land and water areas for recreation and fish and wildlife enhancement purposes. We believe it is important to have a statement of congressional policy with respect to recreation as a purpose of Federal water resource projects.

A statement of intent to participate by non-Federal public bodies is generally required by the bill if provision is to be made specifically for recreation and fish and wildlife at a project. However, in order not to delay authorization of projects on which planning has been completed, an expression of intent will not be required for projects authorized prior to January 1, 1966. An executed agreement to participate will be required prior to initiation of project construction if specific developments for recreation and fish and wildlife are to be provided.

The bill provides that the Federal Government will bear all joint costs of a project allocated to recreation and fish and wildlife enhance-

✓ ment. Joint costs include the cost of the dam; for example, to the extent it is common to all project purposes. The Federal Government will also bear up to one-half of the separable costs of these purposes. Non-Federal public interests would pay or reimburse the Federal Government for the remaining separable costs. Separable costs include, for example, the costs of picnic tables, boat-launching ramps, land, roads, and other specific items for recreation and fish and wildlife enhancement. Separable costs also include project modifications; such as, increasing the height of the dam or providing a subimpoundment specifically for those purposes.

✓ Non-Federal interests may pay or repay their share of the costs under either or both of the following methods, as determined appropriate by the head of the agency having jurisdiction over the project: (1) payment in cash or provision of lands or facilities required by the project; or (2) repayment, within 50 years, with interest. The source of repayment may be a portion of the entrance and user fees collected at the project by non-Federal interests. It should be noted that under the provisions of the Land and Water Conservation Fund Act, Federal recreation fees will not be charged at areas administered by non-Federal public bodies.

By permitting non-Federal interests to meet the repayment requirements through the use of a portion or percentage of the fees they collect at the project, the bill makes available a method of repayment to States, communities, or other non-Federal interests which may not otherwise be able to commit themselves to repayment over a period of years. Under this method of repayment, nonlocal as well as local recreation users would help pay for the non-Federal share of the costs through user charges. We believe that it should be possible to obtain cost-sharing agreements, especially with this latter method of repayment available to non-Federal interests.

We firmly believe it is appropriate to obtain cost sharing on project features provided expressly for recreation and fish and wildlife enhancement. Under this approach, the extent to which non-Federal interests are willing to participate will be an important factor in developing an appropriate recreation and fish and wildlife plan for each project. S. 1229 would require some cost sharing at all projects where recreation and fish and wildlife are specifically included as project purposes.

Because joint costs allocated to recreation and fish and wildlife would be borne by the Federal Government on a nonreimbursable basis under this bill, there may be some concern about possible large writeoffs of project costs. This concern calls for great care in the calculation of benefits and allocation of costs. Improved procedures for the treatment of recreation and fish and wildlife are contained in the set of instructions issued last year as a supplement to the standards for project formulation and evaluation approved by President Kennedy in 1962. These procedures establish standards for estimation of recreation use and schedules of values assignable to such use in the calculation of benefits. They also establish criteria to be used in cost allocation. The agencies are now estimating benefits and allocating project costs in accordance with these procedures.

If there should be cases where non-Federal interests are unwilling or unable to share recreation and fish and wildlife costs, however, the con-

struction of water resource projects for other purposes would not be hindered under the provisions of S. 1229. In such cases, parking, picnicking, swimming, or camping areas or facilities, or elaborate sanitary facilities would not be provided. However, minimal facilities for public health and safety; such as, guardrails, turnarounds at the ends of roads, and minimum sanitary facilities would be provided. Recreation and fish and wildlife benefits, which we expect would be minimal where no provision was made specifically for those purposes, would be considered in the economic evaluation of the project; and costs would be allocated to those purposes in accordance with standard procedures.

A project's potential for recreation and fish and wildlife enhancement would be preserved under the bill even if there were no agreement on cost sharing prior to project construction. This potential would be preserved by the acquisition of land for those purposes at the time of project construction; and if, within 10 years after initial operation of the project, non-Federal interests agree to administer project areas for recreation and fish and wildlife enhancement and to share the costs of land acquisition and development for those purposes, the Federal Government would bear up to one-half of such costs. If no agreement is reached within the 10 years, the construction agency would be authorized to dispose of the additional land for any purpose that does not conflict with the purposes for which the project was constructed.

At projects already constructed, S. 1229 provides that existing facilities and appropriate lands for recreation and fish and wildlife may be turned over to non-Federal interests for administration at on cost. In addition, incremental or subsequent development by non-Federal public bodies for those purposes at any project would be possible. Financial assistance for such development could be provided under the grant provisions of the Land and Water Conservation Fund Act. Where existing areas and facilities remain under Federal administration or where additional facilities are provided by the Federal Government at existing areas, the user-fee provisions of the Land and Water Conservation Fund Act would apply.

I might add at this point that we recognize that it is difficult to initiate a change in policy or procedure. Accordingly, some differences are to be expected between projects already authorized and those not yet authorized. We do not intend to retroactively apply the cost-sharing policies of S. 1229 to projects that have been authorized on some other basis.

The bill also provides that the views of the Secretary of the Interior, developed in accordance with section 3 of the act of May 28, 1963, shall be included in each project report. That act is concerned with the coordination and development of effective programs relating to outdoor recreation and is the "organic act" of the Bureau of Outdoor Recreation. Included in the Secretary's report would be an indication of the extent to which the proposed recreation development is in accord with the State comprehensive recreation plan developed pursuant to the Land and Water Conservation Fund Act of 1965.

S. 1229 repeals a provision of the Fish and Wildlife Coordination Act. The effect of the repeal is twofold. First, it will result in the cost of mitigating project-occasioned damage to fish and wildlife at projects constructed under reclamation law to be distributed among all project purposes as a project cost. This is the procedure now followed on

Corps of Engineers projects. Second, the repeal will terminate the discretionary authority of the Secretary of the Interior to require reimbursement for costs allocated to fish and wildlife enhancement so that the reimbursement policy established by S. 1229 may take effect.

The bill places a limitation of \$28 million on water resource project funds that may be expended for land acquisition for the conservation and protection of migratory waterfowl. These expenditures are in addition to those made from the migratory bird conservation fund, including funds authorized to be advanced to the fund.

The bill does not apply to the Tennessee Valley Authority, nor to projects constructed under the authority of the Small Reclamation Projects Act or under authority of the Watershed Protection and Flood Prevention Act. It is believed that cost-sharing and reimbursement requirements for recreation and fish and wildlife enhancement at small reclamation projects should be considered in relation to such requirements as now exist at watershed protection projects.

The Tennessee Valley Authority believes it has adequate authority to plan for, evaluate benefits from, and allocate costs to recreation and fish and wildlife enhancement in connection with multiple-purpose projects. Furthermore, the general policy of the Tennessee Valley Authority is not to provide recreation facilities at Federal cost but to transfer lands adjacent to reservoirs to non-Federal bodies for recreation development and management. The TVA has been quite successful in this policy.

Such projects as local nonreservoir flood control, beach erosion control, small-boat harbors, and hurricane protection projects are excluded from the cost-sharing and reimbursement provisions of the bill because existing policies cover these projects. Cost sharing will not be required for project areas that are appropriate for Federal administration.

S. 1229 provides that the provision of the Land and Water Conservation Fund Act of 1965 which calls for the use of the fund to help offset the capital costs of recreation at Federal projects shall not be applied to projects at which non-Federal interests execute an agreement to share development costs and to bear the costs of operation and maintenance. The reason for this provision is that Federal recreation fees will not be charged at these projects. The offset provision would apply, however, to the capital costs of projects where non-Federal interests do not assume responsibility for the administration of project areas for recreation.

All moneys received—payments, repayments, or revenue from conveyance of land—under the terms of this bill will be deposited in the miscellaneous receipts of the Treasury.

One of the major purposes of S. 1229 is contained in section 7. That section would give the Secretary of the Interior necessary general authority to provide recreation development at water resource projects under his control. He now has only piecemeal authority for certain individual projects.

In summary, we believe that S. 1229 will encourage developments for recreation and fish and wildlife enhancement. The matching of Federal dollars by non-Federal dollars pursuant to this bill is expected to result in more funds for these purposes than would otherwise be available. For example, the Bureau of Outdoor Recreation indicates

that under the Land and Water Conservation Fund Act of 1965, which authorizes grants for non-Federal development of recreation facilities, the States stand ready to match all the Federal funds expected to become available in 1966 under that act. The enactment of S. 1229 would be of major assistance in the provision of water-oriented recreation opportunities and would bring much needed consistency to the handling of recreation and fish and wildlife as part of Federal multi-purpose water resource projects.

The Bureau of the Budget strongly recommends early enactment of S. 1229. The Department of the Interior and the Department of the Army concur in this recommendation.

This concludes my statement, Mr. Chairman.

Senator JACKSON. Mr. Staats, I wonder if you or your assistants who are here could give the committee a brief review of the procedures that are now followed in determining whether or not recreation and fish and wildlife benefits are to be included in a given project, and then relate that to what it would be under the pending bill? I think this would provide necessary background for the bill's consideration.

Mr. STAATS. Yes, Mr. Chairman. It has only been since 1961 that administration policy has favored the full development of recreation as a part of multipurpose development, so that it would share in the benefits of the project.

Previous to that, the joint costs were allocated for other purposes, and only minimal facilities for public protection were provided at the time the project was authorized.

Subsequently, in connection with the Department of the Army projects, there was authority to add from year to year small amounts of money for facilities in connection with these projects.

The Department of the Interior has not had that authority. I think it is fair to say that we have not had a uniform, general policy with respect to the provision of these separable facilities.

In the 1962 river and harbors bill there was authorized a number of projects which had recreation facilities attached to them. These were authorized on the basis of a maximum allocation for recreation of 25 percent of the total project cost.

A number of those projects received no separable benefits, but a large number of them did.

The average, I believe, for those that did ran something about 14 percent of cost sharing.

This policy, however, as far as the executive branch is concerned, was regarded as an interim policy, and they were so cleared on that basis. It is fair to say that we do not now have either an executive branch policy or a congressional policy applying to this very important area.

It has been handled pretty much on a project-by-project basis, and we feel that with the growing importance of recreation, and the importance of the concept of utilizing these multiple-purpose projects to the maximum degree for recreation purposes, that there ought to be arrangements, orderly arrangements, to treat both the Department of the Army and the Department of Interior projects on the same basis, and on a basis which will recognize a Federal interest and responsibility, but at the same time provide for local operation and maintenance of these facilities, and with some sharing by the locality in the separable cost.

We are convinced, Mr. Chairman, that this legislation would not only assist both the Congress and the executive branch, in handling a very troublesome problem, but also that we will receive a great deal more local interest; we will get more recreation around the Federal projects than we would otherwise achieve.

And the thing which I believe will be attractive to all concerned is that this will enable the community, on a project-by-project basis, to come into agreement with the Federal construction agency as to how much recreation they actually want in connection with that project, so that in terms of the land to be acquired around the reservoir, in terms of the extent of the initial development, and things of that nature can be taken into account at the time the project is authorized, and agreement can be reached at that time as to how much, in effect, the community wants to pay for it.

This, we think, will be attractive to the communities.

Also, we feel that the fact that they have great flexibility in the way in which their 50 percent of the separable costs will be repaid gives them all of the flexibility that they will need.

They can either pay for it in kind, they can pay for it over a period of time, with interest, as we do with other reimbursables at the present time in connection with these projects, or they can set up a user fee system and the Federal Government will take its payment out of the user fee system, so that we think this gives great flexibility to the community in the repayment of the 50 percent of the separable costs which would be provided.

Senator JACKSON. I think what concerns many of us is whether or not these cost allocations will be realistic or whether they will be fictional. I think we all are aware of the danger that projects will be pushed which are not otherwise feasible, but can be made feasible by large allocations to fish and wildlife, recreation, and so on.

This is a matter of continuing concern every time we have a project up here, and the same has been true in the past concerning the proper measurement of allocation and nonreimbursable cost to flood control, navigation, and so on.

I would like, if you could at this time, for you to indicate what kind of review or scrutiny will take place in determining whether, in a given project, the allocations will be realistic or whether there is a danger of their being fictional, or a mixture of both.

Mr. STAATS. Well, the 1962 standards received a great deal of thought and attention by all of the agencies. We feel that those are the most realistic that we can develop as of today. But I would like to say this, Mr. Chairman, with respect to your point. We believe that the incentive here, provided in this bill, will tend to provide a brake on the very concern that you have, because if the community wants a full development for recreation around a project, it does so knowing that 50 percent of the separable costs involved in that project for recreation and fish and wildlife will be paid for by the State or by the community.

Senator JACKSON. Right at that point, so we can clarify the record, I wonder if you could give a distinction between the joint costs and the separable costs. For instance, take a typical project which involves the building of a dam with the reservoir providing, of course, recreational benefits and fish and wildlife benefits. I wonder if you could

indicate what the contribution would be in connection with the separate costs in a project that runs into millions of dollars, but the only thing that is needed after the project has been completed is to provide, we will say, picnic tables, and maybe some road access, and a few things like that.

It is a real small contribution, isn't it, that we are talking about which would be paid by the community, in comparison with the overall costs?

Mr. STAATS. As you know, the joint costs involved here apply to those costs for the part of the structure for which all of the purposes share in common. The allocation of those costs are then in terms of the benefits. In order to receive full benefits, under the 1962 standards, there must be this agreement in advance for projects authorized after January 1.

In other words, in terms of the value per visitor day, and in terms of the numbers of visitors who would be assumed to visit this project, this would depend upon the execution of an agreement, or statement of intent. If the community, therefore, wanted the higher allocation of benefits, it does so on the basis of an agreement that they are going to pay 50 percent of these separable costs.

The separable costs will vary, as you know, from case to case, but this could include, for example, an increase in the height of the dam in order to enlarge the size of the reservoir pool.

Senator JACKSON. If it were being increased for the sole purpose of recreation?

Mr. STAATS. For the sole purpose of recreation, or fish and wildlife, or it could include subinpointments on the streams above, say, for fishing purposes, or it can include more land, in order to enlarge the area for which recreation potential will be provided, or it could include more roads and trails, more boat launching ramps.

In other words, the kinds of things that would go with full development.

Now only with the full development of these projects could a community receive the maximum benefits allocated for recreation under the 1962 standards. If they decided not to come into the arrangement it would still be possible for the Federal Government to reserve the land around the reservoir against the possibility that such an agreement might be reached sometime during this 10-year period. In the event that there was no indication of intent in writing from the community, then they would receive the minimum allocation of benefits. In terms of visitor days, it would be assumed that fewer visitors would visit the project, and I think this is quite reasonable and logical, and it would also be assumed that there would be less value per visitor-day for visitors coming to the project.

I think this is also very reasonable and logical. So it seems to me that the incentive here on the part of the community to maximize the allocation for fish and wildlife and recreation is going to be contingent and dependent upon their willingness to undertake an agreement, and so share half of the costs of these separable costs involved.

Now we have considered what our position should be with respect to the joint costs which you mentioned. It has been our feeling that these joint costs should not be a charge in the cost-sharing arrange-

ment, because these joint costs are there because of the fact that this dam is going to be constructed primarily for other purposes.

In other words, what I am saying is that we do not foresee any situation where you would build a multipurpose project primarily for recreation purposes. The primary reason you would be building that project would be for power, or for municipal industrial water supply, or for irrigation, or flood control, so that we do not feel that it would be fair and appropriate to charge the joint costs of these projects to the recreation users.

Similarly, we do not feel that it is fair and proper that these joint costs allocated to recreation should be reimbursed by the other reimburseable purposes, such as power and municipal industrial water supply.

Senator JACKSON. How accurately can you determine the costs, when you move into the area of fish and wildlife and recreation? Isn't there a substantial element of speculation? You have to try to project as best you can what the benefits are.

Mr. STAATS. I would think our ability to estimate costs would be really much better than with respect to our benefits.

Senator JACKSON. I am referring to the benefits. I am sorry. Especially in the fish and wildlife area. How do you determine those costs?

Mr. STAATS. Mr. Chairman, I would like to refer at this point to a statement of policies, standards, and procedures, in the formulation and evaluation and review of plans for use of water and related land resources, and this one relates to outdoor recreation benefits, developed by the Ad Hoc Water Resources Council, and issued in June of last year.

This was developed by the Departments of Agriculture, Army, and Interior, and the Department of Health, Education, and Welfare.

We have reviewed this. We feel that it represents a good job, and a careful job. I think in terms of the details as to this, you might prefer to hear from either the Department of the Army or the Department of the Interior on it, but we feel it is a careful job, and we have no basis, really, for differing or quarreling with the approach that they have developed there.

Senator JACKSON. What kind of an agreement would you enter into with the local community? You say that at the outset there would be a statement of intent as to what they proposed to do, which would give you the justification of allowing for a more liberal writeoff than you would other. Is it merely a statement of intent, a unilateral statement without any contractual agreement?

Mr. STAATS. We feel that in most cases, there can be a firm agreement, contingent upon the authorization of the project by the Federal Government.

In most cases, we think that this will be the way it will be done: Where that firm agreement can't be reached in advance of the project authorization, the bill would still permit the maximum allocation on the basis of a statement of intent in writing from the community that it proposes to do this, but the firm agreement would still have to be reached before any money was spent for construction, so that prior to construction, in either case, there would have to be a firm agreement reached with the State government, or with the county, or with the

city, or some other non-Federal interest, with respect to the 50 percent cost-sharing on the separable features of the project.

Senator JACKSON. And what would be the penalty if they failed to live up to it?

Mr. STAATS. If they failed to live up to it?

Senator JACKSON. Yes, if they failed to carry out, we will say the arrangement to develop the recreational area, to put in the picnic tables and roads, and so on. Would there be a recomputation of the costs after the project was finished, or what would be the remedy for failure to adhere to the agreement?

Mr. STAATS. I would presume, Mr. Chairman, that the remedy would be that you would not proceed with the development at such point as it became clear that they were not going to live up to it, but by and large the Federal Government would be turning over the project for State and local or non-Federal management, so that the problem would be with the community, rather than between the community and the Federal Government.

Senator JACKSON. But the project is finished. You have completed the project, you have built the dam, and now what remains, of course, is to develop the recreational area, which is to be done by the local entity, whether it is the city, the county, or the State, but they decide they have too many other expenses, and they are going to renege on this.

I am just wondering what the procedure would be, what remedy the Federal Government would have, in that case?

Mr. STAATS. I would think the Federal Government would have to still collect from the community the 50-percent share of the costs which it had incurred for separable features of the project. It would seem to me this would be in order. I do think it would be very difficult to go back and recompute the benefits, and reallocate the benefits to other project purposes.

It seems to me that this could not be done, because agreements already would have been reached with respect to other uses of the project that are reimbursable in character. I believe this would not happen in very many cases.

It would seem to me that the incentive is here, the agreement has been entered into. I would think this situation you mention would be rare and quite exceptional.

Senator JACKSON. I wonder if you would supply the committee with a representative list of Federal multiple-purpose water projects recommended by the Bureau of the Budget that include significant allocations to recreation and fish and wildlife?

Mr. STAATS. We have such a list, Mr. Chairman, in order to be able to assure ourselves as to what the practical effect of this would be.

Senator JACKSON. Would you indicate the ones that have already been approved by the Congress?

Mr. STAATS. I have a fairly long list here. I can supply them for the record.

Senator JACKSON. All right, supply it. We will include it in the record.

Mr. STAATS. All right.

(The material referred to follows:)

Recreation cost sharing

[Dollars in thousands]

Project	Total cost	Recreation and fish and wildlife allocation	Required cost sharing S. 1229	
			Federal	Non-Federal
BUREAU OF RECLAMATION				
1. Auburn-Folsom South, Calif.: Forest Hill Divide..... Folsom Malby..... Auburn and Folsom South.....	\$7,523 11,916 391,731	\$1,465 4,255 38,947	\$1,240 3,930 33,545	\$225 325 5,402
Total.....	(411,170)	(44,667)	(38,715)	(5,952)
2. Lower Teton, Idaho*.....	52,034	73	40	33
3. Palmetto Bend, Tex.: Stage 1..... Stage 2.....	29,565 18,585	9,736 6,072	9,453 5,929	283 143
Total.....	(48,150)	(15,808)	(15,382)	(426)
4. Columbus Bend, Tex.....	25,421	13,749	12,999-12,152	750-1,597
5. Merlin, Oreg.....	14,710	448	300	148
6. Bostwick Park, Colo.**.....	3,923	1,455	1,290	165
7. Garrison, N. Dak.-S. Dak.....	248,234	34,707	32,277-29,597	2,430-5,110
8. Mid-State, Nebr.....	84,202	10,899	10,384-9,818	615-1,081
9. North Loup, Nebr.....	47,531	1,905	1,666	239
10. Dixie, Utah*.....	44,577	4,446	4,088	358
CORPS OF ENGINEERS				
1. Grand River, Mo.: Pattonsburg..... Trenton..... Mercer..... Linneus..... Brookfield..... St. Catherine..... Braymer.....	101,810 43,410 21,410 34,460 13,160 12,240 25,530	25,112 20,670 8,153 13,581 3,675 3,733 9,258	23,557 14,515 6,048 8,851 2,595 2,513 6,243	1,555 6,155 2,105 4,730 1,080 1,220 3,015
Total.....	(252,020)	(84,182)	(64,322)	(19,860)
2. Chariton River, Mo.: Thomas Hill..... Long Branch.....	4,940 5,280	1,956 1,859	1,661 1,329	295 530
Total.....	(10,220)	(3,815)	(2,990)	(825)
3. Kaysinger Bluff, Mo.*.....	131,210	24,010	22,240	1,770
4. Joanna, Mo.*.....	70,600	15,684	14,944	740
5. Lake Sonoma, Calif.*.....	42,420	12,250	10,570	1,680
6. New Melones, Calif.*.....	122,000	5,300	4,973	327
7. St. Clair, Ariz.....	5,360	336	298	38
8. Marysville, Calif.....	132,900	33,710	24,210	9,500
9. Applegate, Oreg.*.....	16,400	8,886	8,412	474
10. Catherine Creek, Oreg.....	7,749	2,297	1,985	312
11. Justice, W. Va.*.....	60,477	2,199	1,176	1,023
12. Alum Creek, Ohio*.....	22,540	4,853	3,459	1,394
13. Buck Creek, Ohio*.....	7,960	1,465	1,028	437
14. Big Pine, Ind.....	15,000	3,624	2,945	679
15. Woodeock, Pa.*.....	6,984	1,080	1,051	29
16. Rowlesburg, W. Va.....	132,514	6,388	4,614	1,774
17. Oakley, Ill.*.....	34,600	3,070	2,405	665
18. La Farge, Wis.*.....	14,894	2,745	2,170	575
19. Tennessee Colony, Tex.....	137,138	14,948	8,906	6,042
20. Wallisville, Tex.*.....	9,973	2,746	2,536	210
21. Kaw, Okla.*.....	83,300	16,418	15,990	428
22. Waurika, Okla.*.....	25,853	4,140	3,672	468
23. Pat Mayse, Tex.*.....	9,677	4,735	4,253	452
24. Douglass, Kans.....	18,143	3,912	2,924	988
25. Clinton, Kans.*.....	30,700	5,994	5,385	609
26. Woodbine, Kans.....	17,600	5,250	4,250	1,000
27. West Point, Ga.*.....	53,000	13,991	13,222	769
28. Spewrell Bluff, Ga.*.....	70,000	12,097	10,103	1,994
29. New Hope, N.C.*.....	25,612	7,131	6,510	621
30. Falls, N.C.....	18,601	2,996	2,096	900
31. Six Bridge, Md. and Pa.....	14,374	6,943	6,084	859
32. Staunton, Va.....	24,086	6,931	6,118	813
33. Royal Glen, W. Va.....	30,608	4,867	3,985	882
34. West Branch (Potomac), Pa.....	11,640	5,542	4,618	924

See footnote at end of table.

[Dollars in thousands]

Project	Total cost	Recreation and fish and wildlife allocation	Required cost sharing S. 1229	
			Federal	Non-Federal
35. Winchester, Va.-----	10,977	4,588	4,016	572
36. Seneca, Md. and Va.-----	101,789	28,873	16,672	12,201
37. Raystown, Pa.*-----	32,150	11,363	9,363	2,000

* These projects have been authorized. They are shown for comparative purposes only. As authorized there is no required local cost sharing for recreation or fish and wildlife enhancement.

** Authorized project. About \$200 in excess of nonreimbursable limits will be reallocated and borne by power users.

NOTES

For all projects followed by 1 or 2 asterisks, and all Bureau of Reclamation projects except Palmetto Bend, Tex., a project report has been cleared by the Bureau of the Budget.

The data contained in these tables was taken from project reports which had not been developed under the provisions of S. 1229. Accordingly, it is anticipated that these figures will change when the project reports are modified to conform with the provisions of S. 1229.

Senator JACKSON. And this list includes pending projects and those that have already been approved by you?

Mr. STAATS. That is right. Now those projects requiring cost sharing on the list which is being furnished you would still be based on maximum development and the situation could arise, as I have indicated, that the community might prefer something less than maximum development, and this would have to be worked out between the construction agency and the community, case by case.

Senator JACKSON. I understand the Interior Department has recommended substitute language in connection with the section repealing provision 9 of the Fish and Wildlife Coordination Act. Have you had a chance to review that substitute language?

Mr. STAATS. I understand we have.

Senator JACKSON. The substitute language is on pages 8 and 9 of the committee print of the bill.

Mr. STAATS. I understand that this has been reviewed, Mr. Chairman. We are agreeable.

Senator JACKSON. You are agreeable with the substitute language?

Mr. STAATS. Yes.

Senator JACKSON. Fine.

Senator Allott?

Senator ALLOTT. I will pass for a moment.

The CHAIRMAN. I think Senator Simpson has another commitment, and I will ask him.

Senator SIMPSON. It has been postponed.

Senator JACKSON. Fine.

Senator SIMPSON. Mr. Chairman, I do have a question. Mr. Staats, what is embraced with the term "non-Federal body"? Is that just official, or quasi-official, groups? For instance, could the Lions Club, or the Kiwanis, enter into an agreement such as this?

Mr. STAATS. It would be a public body. It might be State, county, city, or it might be a public jurisdiction created pursuant to State law which would have the authority to carry on recreation programs. It could be a school district, for example. We think great flexibility here is in order to enable the community itself to utilize the Federal water project on a basis which will meet their particular requirements.

Senator SIMPSON. This bill is a little complicated to me, and I wonder if you would confirm my feeling here, or can confirm my feeling. As I understand the bill, within 10 years after the initial construction of the project the non-Federal body can execute an agreement providing for its administration of the project area. It will be required to assume one-half of the cost of land and facilities and modifications, and all costs of operation, maintenance, and replacement.

Do you first have an original letter of intent, or an original firmed-up agreement, with that proviso in it?

Mr. STAATS. We would expect that there would be a firm agreement, in most cases, before the project is submitted for authorization. Where it is not possible to reach a firm agreement before the project is authorized, we would still permit the project to receive maximum benefits for recreation, fish, and wildlife, if there is a statement of intent on the part of the public non-Federal body to share 50 percent of the costs of these separable features.

Senator SIMPSON. And they could take over and assume half of the cost?

Mr. STAATS. That is right. Before the project was constructed, before any money was spent in connection with the construction of a project, we would expect in all cases that there be a firm agreement to pay 50 percent of the separable project costs.

Senator SIMPSON. Then do I understand correctly that in this bill, if there is no agreement made within a 10-year period, the Government agency can dispose of the land?

Mr. STAATS. At the end of 10 years. The Federal Government could still acquire land, you see, at the time the project was constructed, looking forward to the possibility that in that 10-year period, the population might grow, or the community might change its mind, and would want to come in on a cost-sharing basis to develop the recreation potential of that reservoir. At the end of 10 years, if no agreement has been reached with a non-Federal body, then the Federal Government could dispose of the land for purposes which would not be inconsistent with the purpose of the reservoir.

Senator SIMPSON. I notice in the proposal that if there is an intention to dispose of the land at less than market value you would first have to have the approval of the President. Where is the precedent for that, in the executive branch or the legislative?

Mr. STAATS. There are precedents for this. TVA is a case in point, where such disposals have to have Presidential approval. These approvals are delegated, in the case of TVA, to the Budget Director and the President does not have to personally see them. But they could go to the President, if there was an issue of sufficient importance to warrant his attention.

Senator SIMPSON. That is all I have.

Senator JACKSON. Senator Gruening.

Senator GRUENING. On page 3, beginning on line 11 of the bill, that paragraph is a little confusing to me. It reads:

Provided, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means.

I wonder whether you could explain what this means?

Mr. STAATS. What this provision does, in effect, is to say that after you have calculated the benefits for recreation and fish and wildlife for a project, you take as your ceiling the amount which would be required, or the equivalent cost of providing those same benefits from a non-Federal development, so that you do not in effect spend more money than you would have to pay to provide equivalent benefits on some alternative basis.

This would apply, Senator, in some cases, for example, where you might have recreation access near the ocean, or near other water supply sources, so that you would take as your test, your maximum, the benefits for this project that would be provided for on the least costly alternative method of providing the same benefits.

Senator GRUENING. Thank you very much, Mr. Staats.

The CHAIRMAN. Senator Simpson.

Senator SIMPSON. I noticed under the bill that the secretary is given broad authority to enter into agreements with Federal, State, or local public bodies to administer project land and water areas upon such terms and conditions as will best promote the development and operation of such lands for recreational purposes.

It sounds to me like an overlapping jurisdiction of Federal control and State control of water. Would you spell that out?

Mr. STAATS. I do not think that it is. What is contemplated here is that the Federal Government would enter into an agreement whereby the State or local or non-Federal bodies would take over the administration of these areas for recreational purposes if they are not inconsistent with the purposes of the Federal reservoir projects.

Senator SIMPSON. Will it be within the land over which the Secretary has authority at the outset?

Mr. STAATS. That would be correct, yes.

Senator SIMPSON. It is no threat to the State's priority of water rights?

Mr. STAATS. No, not at all.

Senator JACKSON. Senator Fannin.

Senator FANNIN. Mr. Chairman, and Mr. Staats, I was wondering about one of these provisions, specifically section 2(a), which would make it possible for navigation projects to be justified as economically sound by evaluating recreation or fish and wildlife benefits and assigning them to certain costs, particularly joint costs, as contemplated by section 2(a) (3) that otherwise would be assigned to navigation. The question arises as to whether or not, that some navigation projects might be considered feasible where otherwise they would not be considered practical, if these additional costs were not assumed under this provision.

In other words, here you have a competitive situation, of navigation by water, as against, say, rail or other modes of transportation—truck—that could be more competitive or could be placed in a competitive position because of recreational or fish and wildlife costs being used under this provision.

Mr. STAATS. Yes, I understand your question. I think the policy which is involved here is the question of whether or not benefits from fish and wildlife and recreation are to be included in determining the overall economic feasibility of any water resource project, and navigation could be one of the types of projects that would be involved.

It has been the policy of the administration now since 1961, as I indicated a while ago, to include the benefits for recreation, fish and wildlife enhancement in determining the overall economic feasibility of the project. But in doing so, each of these purposes had to stand on its own feet, and that is, the benefits for each separate purpose has to be in excess of the cost of that separable feature.

While the addition of fish and wildlife and recreation may mean that some projects would be economically feasible under this policy, which would otherwise not be feasible without them, it still does not mean that the situation that you describe could actually come about.

Navigation would still have to stand on its own feet.

Senator FANNIN. That is all. Thank you.

Senator JACKSON. Senator Allott.

Senator ALLOTT. I have just one question, Mr. Chairman, and it may be a minor thing, but I think we might as well clear it up.

The bill provides that, after 10 years of operation, a non-Federal public body can take over a recreation area by executing an agreement to administer the area and assume 50 percent of the cost of lands, facilities, and modification, and 100 percent of the operation, maintenance, and replacement costs.

Does this mean that the non-Federal public body pays the 50 percent and 100 percent from the date it got in on the project, or is this 50 and 100 percent retroactive to the date of initiation?

Mr. STAATS. It could be either. In case they made the agreement at the outset, they would take over at the time the project is constructed and completed, and their responsibility for operation and maintenance would take place at the agreed time of the takeover.

If they decide to come in at a later time, then they would presumably take over at such time as they entered into that agreement. It would not be retroactive.

Senator ALLOTT. Well, let's put it on another basis, then, Mr. Staats. After 10 years, for example, with respect to the physical features, lands, facilities, and that sort of thing, would this be figured on the basis of 50 percent of the cost at the time of original construction?

Mr. STAATS. Well, the purpose of the 10-year provision is simply that, in the event the community may have a need for this recreation but is not able or willing to enter into an agreement at the time the project is constructed, it will make it possible within a 10-year period for them to still come into an agreement with the Federal Government for the full development of recreational potential of the reservoir or part of the reservoir. If they decide at the end of 10 years that they do not have any interest in development of the project, then the Federal Government would be under no obligation to hold the land any longer for that purpose.

It could go ahead and sell the land for some other purpose. But the idea of the 10-year period is to make non-Federal development possible because, in many areas where you have a Federal water resource project, the population is going to grow; the community is going to get new industry; and there could be a need and an interest for recreational development at any time during the 10-year period.

A 10-year period was selected arbitrarily. It could be 5, it could be a longer period of time. We thought 10 years was a reasonable period of time to hold the land.

Senator ALLOTT. That is all I have.

Senator SIMPSON. Mr. Chairman.

Senator JACKSON. Yes. Senator Simpson.

Senator SIMPSON. Mr. Chairman, I want to ask Mr. Staats about one of the provisions of the bill. This disturbs me. On page 5 of your statement the second full paragraph says:

If there should be cases where non-Federal interests are unwilling or unable to share recreation and fish and wildlife costs, however, the construction of water resources projects for other purposes would not be hindered under the provisions of S. 1229.

Will you spell out what is meant by that?

Mr. STAATS. Yes. We would still recommend the project, if it were economically feasible and economically justified. We would simply not provide for the full benefits for recreation, fish and wildlife that would otherwise take place, because we would assume fewer visitors; we would assume less use of the recreation facilities; and we would assume, therefore, that the recreation feature of the reservoir has less value to the project.

The other purposes of the project, however, would still go ahead and be constructed.

Senator SIMPSON. What do you mean by "other purposes"?

Mr. STAATS. Power, flood control, irrigation; any other purpose for which the project was constructed.

Senator SIMPSON. Well, I want to observe, Mr. Chairman, that if we had the simple direct language of Mr. Staats' in the bill, instead of some of the gobbledygook that is in there, I would be far more satisfied. I want to compliment you on your statement.

Senator JACKSON. Senator Burdick.

Senator BURDICK. Mr. Staats, to review your testimony a bit, the joint costs are nonreimbursable. The separable costs for enhancement are borne 50 percent by the Federal Government and 50 percent by non-Federal agencies.

Mr. STAATS. No; it is only the costs of the separable features of the project that would be on a cost-sharing basis.

Senator BURDICK. Well, I am just getting the terminology straightened out. The costs of enhancement are the same as separable costs, are they not? That which is not needed for the main project?

Mr. STAATS. Well, with respect to benefits, you would still calculate some benefits for recreation and fish and wildlife on a project, in any event, because the reservoir is there, it is going to be used, particularly in the Midwest where you and I come from. The area is flat, and the reservoir is going to be accessible, unless you put up a fence to keep people away from it.

Therefore, there are benefits, but we do not think you ought to calculate as many benefits, as much value, to that recreation, fish, and wildlife if you do not develop it as you would if you did develop it.

I think that is really all we are saying. Therefore, if the community did not come into an agreement to share in a percentage of the separable costs of features added solely for this purpose, then you would not calculate as high a benefit for that project for recreation, fish, and wildlife, as you otherwise would calculate.

Senator BURDICK. Well, in the bill where you have the definition of the term, the term "separable costs" will mean "the cost of each proj-

ect purpose which is the difference between the costs of the multiple-purpose project and the cost of the project with the purpose omitted."

Mr. STAATS. Yes.

Senator BURDICK. In other words, separate costs is a cost that isn't really necessary to the main purpose of the project.

Mr. STAATS. That is correct. Any specific separable costs which are involved that would not be there unless you were going to provide for recreation, fish, and wildlife enhancement.

Senator BURDICK. Now I am getting to the practical question. I can understand how a non-Federal agency such as the State or a county can charge user fees for use of a reservoir, or a restored lake for recreation, boating, fishing, and the like, but in a project in North Dakota that I am concerned with we have some enhancement for wildlife, to wit: "breeding grounds, necessary particular grounds, for duck population." North Dakota has been aptly termed "the duck factory of the Nation."

Ground is going to be acquired for this purpose—propagating ducks. How do you charge user fees along the fringes of these projects in the marshes and the wetland for ducks?

Mr. STAATS. Is this a Federal refuge?

Senator BURDICK. Yes; it would be part of a Federal project.

Mr. STAATS. If it is a Federal refuge then the bill provides that that does not come within the purview of the cost-sharing arrangement we are talking about.

Senator BURDICK. No; this is incident to the project. There would be some enhancement for the propagation of ducks.

Mr. STAATS. Well, in that event, if it were simply located in a situation where it was attractive as a game source, then it seems to me that it comes in just like fish, or any other recreation purpose.

Senator BURDICK. Mr. Staats, these areas are scattered for miles around. They are low spaces; they are sloughs; they are swampy areas that are conducive to raising ducks. It would be very difficult to mark off a place where you could charge a user fee.

Mr. STAATS. But in the event that you did not incur the extra cost for special development of those projects, and I assume that that is the case in the illustration you have, then there would be no separable cost to be shared.

Senator JACKSON. Any further questions of Mr. Staats at this time?

Thank you, Mr. Staats. We appreciate having your helpful testimony.

Mr. STAATS. Thank you.

Senator JACKSON. We had planned to call Secretary Holum next. However, Mr. Weber has a commitment—an important one—at 12 o'clock, so if you don't mind, Secretary Holum, we will hear him next. Therefore, with Secretary Holum's acquiescence, we will have your statement at this time, Mr. Weber.

Mr. WEBER. Thank you, Mr. Chairman.

Senator JACKSON. Mr. Weber represents the Corps of Engineers.

**STATEMENT OF EUGENE W. WEBER, DEPUTY DIRECTOR OF CIVIL
WORKS DIVISION, CORPS OF ENGINEERS**

Mr. WEBER. Mr. Chairman and members of the committee, I am Eugene W. Weber, Deputy Director of Civil Works for Policy in the the Office of the Chief of Engineers. I am appearing to present the views of the Department of the Army on S. 1229, a bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

The Department of the Army concurs in the recommendation of the Bureau of the Budget that this proposed legislation be enacted. Representatives of the Department participated in interagency discussions during 1964 which led to the formulation of the bill H.R. 5269 as substitute for H.R. 9032, which was considered by this committee at the last session of the Congress and which was reintroduced in this session as H.R. 52.

One of the most important objectives of S. 1229 is to encourage the States or other non-Federal public entities to assume responsibility for development, maintenance, and operation of recreational areas at Federal reservoirs.

This has long been a policy of the Department of the Army in its administration of the recreational aspects of its flood control and multiple-purpose reservoir program. The desirability of this objective was frequently brought out last year when the Congress was considering the Land and Water Conservation Fund Act, which was enacted on September 3, 1964.

The Department considers that S. 1229 will provide a practical and effective basis for bringing about a high degree of acceptance by non-Federal interests of responsibility for management of recreational use of Federal reservoirs.

Another important feature of S. 1229 is that any unwillingness or inability of non-Federal agencies to commit themselves to assumption of the responsibility for recreation at a specific project will not prevent the Federal Government from proceeding with the project in order to achieve other important purposes, such as flood control, which may be urgently needed.

In such cases, the Federal Government could go ahead with the project and acquire sufficient land to preserve the recreational potential, develop only the minimum facilities necessary to permit the public to have access to the reservoir.

The opportunity for non-Federal interests to develop the full recreational potential would be held open for 10 years after the start of such projects. The Department of the Army considers this an essential feature of the proposed legislation.

In summary, the Department of the Army considers that S. 1229 embodies all of the desirable objectives of H.R. 9032 on which the Department testified favorably during the previous Congress, and that S. 1229 is preferable to H.R. 9032 with respect to the prescribed

procedures for non-Federal participation in the development of recreational possibilities of Federal reservoirs.

The Department believes that the provisions of S. 1229 are equitable, practicable, and in the national interest and, accordingly, concurs in the recommendations of the Bureau of the Budget that it be enacted.

Senator JACKSON. Mr. Weber, what standards do you follow in making an evaluation and determination on recreation and fish and wildlife benefits?

Mr. WEBER. Mr. Chairman, we follow the standards that were developed jointly by the agencies a few years ago, and approved by the President, and printed as Senate Document 97, and also the supplement which was introduced by Mr. Staats during his testimony.

Senator JACKSON. Do you find that those standards are sufficiently adequate to prevent the fictional use of these benefits to justify a project?

Mr. WEBER. Yes, Mr. Chairman; I do. They constitute and attempt on the part of the agencies to establish reasonable values and criteria for selecting among this range of values, so that there will be some consistency in the estimates of benefits by all agencies, and so that there will not be a tendency to overestimate or attribute, as you term them, fictional values and get estimates that are quite unreasonable.

Senator JACKSON. Senator Kuchel.

Senator KUCHEL. No; I have no questions, Mr. Chairman.

I will take advantage, however, if you will permit me, to ask inclusion in the record of a statement in favor of the companion bill in the House of Representatives, H.R. 5269, as well as yours, submitted by the United Water Conservation District, a public agency organized under the laws of California, located in the county of Ventura, which is north of Los Angeles and south of Santa Barbara. I think this is a very well-reasoned statement in favor of this legislation.

Senator JACKSON. Without objection the statement will be included at this point.

Senator KUCHEL. Thank you very much.

(The statement referred to follows:)

STATEMENT OF WILLIAM P. PRICE, GENERAL MANAGER AND CHIEF ENGINEER, UNITED WATER CONSERVATION DISTRICT

The United Water Conservation District is organized under the laws of the State of California and embraces roughly one-third of the area of Ventura County in California. It has an area of approximately 340 square miles and a population of approximately 140,000 people.

Our principal function is the conservation of local water supplies. Our main available water source is the Santa Clara River which runs generally east and west through the length of the district. Two tributaries of this river, Piru Creek and Sespe Creek, have excellent storage reservoir sites.

For a period of several decades water usage has greatly exceeded the natural replenishment supply. This has resulted in severe overdraft of our ground water basins and the district organization in striving to relieve the critical overdraft situation through conservation of surface waters which periodically waste to the ocean.

Ten years ago, we constructed a surface storage reservoir of 100,000 acre-foot capacity on Piru Creek. That project was constructed under a locally financed bond issue. It has helped materially to relieve our water shortage. However, further conservation projects are urgently required.

We are now engaged in planning for development of two storage reservoirs on Sespe Creek. For this project we are working with the Bureau of Reclamation, and that agency is in the process of preparing a feasibility report on the pro-

posed conservation works. Following a determination of feasibility, we plan to apply for federally sponsored financing with arrangements for later repayment of reimbursable project costs by the district.

Our interest in H.R. 5269 (companion to S. 1229) stems from its potential effect on the repayment obligation that this district will incur in connection with the proposed project mentioned above.

The bill's objective of giving full consideration "to outdoor recreation opportunities and fish and wildlife enhancement where these can be provided or enhanced in the investigation, planning, construction, operation, and maintenance of Federal navigation, flood control, reclamation, hydroelectric and multiple-purpose water resource projects" is most commendable.

We fully agree that recreational potential should be a part of early project planning so as to obtain the best possible coordination with other project functions as well as with other existing and planned public recreational developments.

We are in accord with the bill's intended purpose of encouraging local public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes where the projects are not included within areas particularly appropriate for Federal administration. Requiring repayment by the local agency of half of the separable project costs allocated to recreation and fish and wildlife enhancement is believed to be an equitable provision. Moreover the bill provides reasonable latitude in methods of repayment available to the local agency.

It is, in our opinion, reasonable and proper that the benefits of the recreation and fish and wildlife enhancement features of each project be taken into account in determining the economic benefits from the project.

As we understand the proposed bill, project costs serving two or more functions—one of which is recreational use or fish and wildlife enhancement—would be allocated among the various project functions according to the benefits accruing to each function. The bill provides that all such joint costs allocated to recreation and fish and wildlife enhancement shall be nonreimbursable.

This provision is, we believe, fair and logical in that it considers recreational functions of multipurpose projects as being within the sphere of national welfare interest and thus being of a nonreimbursable character similar to navigational and flood control functions. In contrast to legislation proposed in the 88th Congress, this bill does not attempt to impose artificial arbitrary limits which would make recreational cost allocations partially, rather than fully, nonreimbursable. Rather, it adopts the principle that recreation is a full and equal partnership function in multiple-purpose projects, that this function is properly considered of national interest rather than local and accordingly nonreimbursable, and that the extent of cost allocation and the related nonreimbursability are most fairly determined through established accounting procedures based on proportional benefits. We believe that adherence to this principle will result in the most equitable sharing of costs among the various functions in a given project. Also, all federally sponsored projects will be placed on a uniform cost allocation system.

It is the opinion of United Water Conservation District that H.R. 5269 should be enacted. It is respectfully requested that our views as expressed in this statement be made a part of the record of hearings on this proposed legislation.

Senator JACKSON. Senator Gruening.

Senator GRUENING. Mr. Weber, on page 3, line 4 of the bill, I read:

The benefits of the project to recreation, fish and wildlife enhancement shall be taken into account in determining the economic benefits of the project.

Now in a project such as the Rampart Dam, which the Corps of Engineers has studied for about 4 years, would you assume that the corps would have some voice in determining the benefits, or would this be left wholly to the Fish and Wildlife Service?

Mr. WEBER. The corps would have a voice, Senator. Our practice is to work with the Fish and Wildlife Service in formulating the project, and estimating the fish and wildlife benefits, as well as all other fish and wildlife considerations that are involved. It is really a joint effort.

Senator GRUENING. Well, the reason I ask is because there are, in my view, some extremist conservationists in the Fish and Wildlife Service who feel that the Rampart Dam will be wholly destructive of fish and wildlife resources. This view is completely contrary to that taken by the majority of Alaskans, and by others. We hope that a sane and reasonable view will prevail, and that the benefits of a lake such as that which would be created by the reservoir would not be completely neglected, which so far seems to have been the case with the report of the Fish and Wildlife Service, and that the total value of this project, the economic value, will be taken into full consideration.

I think this is a very important issue, and it arises not only in the case of Rampart, but in the case of other public power projects.

Those of us who are, as I am, fervent conservationists, are somewhat distressed by the presence of some of these extremists, who view it only from the standpoint of a duck or a blade of grass, or a flower, and never from the paramount interests of the two-legged species, who, after all, must have a habitat, too, and without an economy, he doesn't have a habitat, and I am glad to hear you say that you think the Corps of Engineers would have a voice in determining the relative importance of the fish and wildlife resources.

I hope that will be the case.

Mr. WEBER. Yes, sir; we will try to have as much of a voice as we can.

Senator JACKSON. Thank you.

Senator Kuchel.

Senator KUCHEL. Mr. Chairman, I have received a letter from the California Fish and Game Commission, signed by its president, Thomas H. Richards, Jr., expressing the commission's view that S. 1229 is a "bad bill," and opposing its passage. I ask that the State fish and game commission's views be made a part of the record.

STATE OF CALIFORNIA FISH AND GAME COMMISSION,
Sacramento, Calif., March 25, 1965.

RICHARD N. LITTLE,
Minority Counsel, U.S. Senate, Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR MR. LITTLE: Thank you for your correspondence of March 15, 1965, transmitting S. 1229 to the fish and game commission for review and comment. Our staff will consult with the resource agency and have our detailed comments incorporated with their report.

From our viewpoint S. 1229 is a bad bill and the Fish and Game Commission of California oppose its passage.

Sincerely,

T. H. RICHARDS, Jr., *President.*

Senator JACKSON. Senator Allott?

Senator ALLOTT. I have just one question, Mr. Weber. In the case of a dam which has already been constructed by the corps—and I am thinking specifically of the John Martin Dam on the Arkansas River, which was started about 1939 or 1940, and then finally completed after the war—and in that legislation there was nothing done with respect to recreation. This is an area in which recreation is at a minimum, as you know, and we have had a very difficult time getting the Federal Government to do anything substantial there for recreational purposes.

In what way do you think this bill might affect those projects such as the John Martin Dam which had no recreational allocation at the time of construction?

Mr. WEBER. The bill does not directly affect such projects, Senator, although some of the policies and provisions of the bill might be applicable to any subsequent recreational development that we would undertake with respect to John Martin Dam and similar completed projects. We do have authority to request funds and to proceed with development of the recreational facilities at completed projects. So this can be done at John Martin Dam, as the need or as demand develops.

Senator ALLOTT. Well, the need is there, and has been present for many years, Mr. Weber. There seems to be a complete unawareness of the need for it. I wanted to be sure that there was nothing that you saw in this bill that would prevent the future development of the John Martin Dam area.

This is one of the few possible recreational areas in a vast area there—all of southeastern Colorado, western Kansas, the Panhandle, Oklahoma, and even the northeastern part of New Mexico—and we find on a given weekend cars from all of these areas in there, and yet a minimum of recreational area.

I would appreciate it if you would take a look at that, and let me know what can be done, and whether or not this bill would affect adversely future development there.

Mr. WEBER. I will be glad to do that, Senator. I am sure the bill will not affect the situation adversely, but I will specifically look into what can be done.

Senator ALLOTT. Thank you very much. I will be happy to supply you with any information you need on it.

Senator GRUENING (presiding). Senator Burdick?

Senator BURDICK. Mr. Chairman, I just want to say that I am pleased to know that the Corps of Engineers, the Department of the Interior, and the Bureau of the Budget all concur on a common cause.

Senator GRUENING. Any other questions of Mr. Weber?

Thank you very much.

Mr. WEBER. Thank you, Mr. Chairman.

Senator GRUENING. The next witness is Kenneth Holum, Assistant Secretary for Water and Power, Department of the Interior. Mr. Holum, we will be glad to hear you.

STATEMENT OF HON. KENNETH HOLUM, ASSISTANT SECRETARY OF THE INTERIOR FOR WATER AND POWER; ACCOMPANIED BY KARL LEE, BUREAU OF RECLAMATION; HENRY CAULFIELD, DIRECTOR, RESOURCES PROGRAM STAFF; DAN OGDEN, ASSISTANT DIRECTOR, BUREAU OF OUTDOOR RECREATION; JAMES McBROOM, ASSISTANT DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDLIFE; AND JOHN WILKINSON, RESOURCES PROGRAM STAFF

Mr. HOLUM. Thank you, Mr. Chairman, and members of the committee. I have listened with a great deal of interest this morning to the fine presentation of Deputy Director Staats, and Mr. Weber from the Corps of Engineers.

I think that these excellent presentations and useful exchanges between the previous witnesses and the members of the the committee will make it possible for me, Mr. Chairman, with your permission, to just submit my statement for the record, and abbreviate it with a few remarks to call particular attention to some of the interests of the Department of Interior in this important Senate bill, 1229, which the Department of Interior, as Senator Burdick has noted, supports enthusiastically, together with the Bureau of the Budget and the Corps of Engineers.

Senate bill 1229 does affect the interests of many bureaus and agencies in the Department of Interior. The Bureau of Reclamation, of course, in my area of responsibility, is one of the Government's principal construction agencies. Senate bill 1229 affects its programs.

It also affects the programs of the Fish and Wildlife Services in the Department of Interior, National Park Service, and the Bureau of Outdoor Recreation.

For that reason, I have with me this morning a distinguished list of representatives from the Department of Interior, representing these areas of responsibility. Karl Lee, at my left here, is from the Bureau of Reclamation, and committee members, I know, know him well. Henry Caulfield, Director of the Resources Program Staff, is here.

Dr. Dan Ogden, Assistant Director of the Bureau of Outdoor Recreation, and James McBroom, representing the Fish and Wildlife agencies in the Department of Interior, are also here.

We hope that we can provide you this morning with any information that the committee desires with respect to these programs in the Department of Interior, and how they will be affected by Senate bill 1229.

We are considering this piece of legislation this morning, I am sure, because of the growing national interest, the growing nationwide recognition, that all agencies of the Government, from the Federal Government to the smallest local jurisdiction, must address themselves in the 1960's to a concentrated effort to provide more adequate outdoor recreational opportunities for a rapidly growing population, a rapidly growing population that has more leisure time available to it.

The interest in recreation has been stimulated in many different ways by the Senate Select Committee on Water Resources and the excellent job that they did, by your committee and the Congress itself. This committee certainly had a substantial hand last year in the passage of the landmark, Land and Water Conservation Fund bill.

Early in his administration, President Kennedy directed the four executive departments in the Federal Government, of which the Department of Interior is one, to consider new standards for the evaluation and formulation of water resource development projects.

This report was completed and was submitted to the President and approved by him. At the request of Senator Anderson, who was then chairman of this committee, these new standards were published by the committee, and we now refer to them as Senate Document 97.

Senate Document 97 sets out for consideration of all the executive agencies many basic principles. Probably the most important of all is the fact that the executive agencies, since the promulgation of Senate Document 97, have been directed to consider recreation and fish and wildlife as full partners in all multipurpose water resources projects that they propose.

I think I can emphasize the tremendous interest and importance of this type of activity by calling attention of the members of this committee, and I think you probably already know it, and recognize it better than I do, even, that during 1963, there were 34 million visitor-days chalked up at water resource development projects of the Bureau of Reclamation in 198 recreation areas in the 17 Western States.

Over one-half of the people who visit federally financed and managed recreation areas find their recreation opportunity at multipurpose water resource projects built by the United States.

I think the record is clear that our expanding population is looking for opportunities for outdoor recreation. Great amount of leisure time gives Americans more opportunity to do so, and a vast majority of the people like, and will continue to like, I am sure, to find their outdoor recreation at water-associated facilities.

So the legislation that you are considering this morning, as Deputy Director Staats has said, really serves two fundamental purposes: It sets up the standards that shall be applied by congressional approval in providing for the reimbursement, local participation, and Federal participation, in recreation facilities and fish and wildlife facilities that are provided at these multipurpose water resource projects. Important to us, of course, in the Department of Interior, the legislation gives to the Secretary of Interior the same authority that is enjoyed by the Secretary of the Army in planning these recreation facilities at multipurpose water resource projects under his direction.

The Department of Interior hopes that it will be possible for the Congress of the United States, the 89th Congress, to establish congressionally approved standards for the financial management of these important full partners now in water resource development.

As Deputy Director Staats has already noted, we have been without those standards. As I appeared before you, and other witnesses from the Department of Interior appeared before you on reclamation projects during the past 3 years, we have had to come before you without standards that have been approved by the Congress as far as reimbursability and nonreimbursability of these important features of water resource development are concerned.

Our projects a year ago were presented to you on the basis of H.R. 9032, which was the legislation that the administration sponsored at that time.

As Deputy Director Staats has noted the passage of the Land and Water Conservation Fund bill in our experience with H.R. 9032 has made it possible for us, and we think desirable, to present something substantially different in this type of legislation this year.

Congress did authorize one project, the Bostwick Park project in Colorado, on the basis of the standards provided in H.R. 9032, but I think that it would be highly advantageous to the committees, to the Congress, and certainly highly advantageous to the executive branch agencies, if we can have congressionally considered and approved standards available to us, in formulating these resources projects, so that we can come before you with projects formulated, with costs allocated, with financial management predicated on the basis of standards that have congressional approval.

So in the Department of the Interior, we support enthusiastically the type of legislation that you are considering this morning.

Rather than spend any more time explaining the bill—I think it has already been adequately explained to you, and you have had a very useful exchange on it—we will be happy to answer any further questions that members of the committee want to propose.

I thought it might be useful if we submitted to the committee some documentation of the effect of Senate bill 1229 on projects that we have under active consideration for submittal to the Congress during the 89th session, so I have a tabulation here of the effect, the application of Senate bill 1229 (H.R. 5269) on these projects that are pending before the Congress as it relates to H.R. 9032, the standards that we were using a year ago, and copies are available for the members of the committee.

One of two of the projects that we had under consideration last year and this year, and are very important projects, gave us a considerable amount of concern, because of the substantial involvement of recreation, and in the other instance of fish and wildlife benefits, the Auburn-Folsom South project in California, and the Columbus Bend project in Texas.

We have compared these two projects on the basis of present authority. Present authority, of course, provides that fish and wildlife mitigation and enhancement shall be nonreimbursable under the act of 1958, that costs for minimum basic facilities for recreation shall be nonreimbursable, and that no joint costs shall be allocated to recreation. We have compared these two projects on those bases.

We will be happy to submit copies of these tabulations to you.

The effect as far as recreation and fish and wildlife enhancement is concerned upon reimbursability is something like this. Under the existing standards, there would be no reimbursability for fish and wildlife and recreation. At the Auburn-Folsom South project, a total of \$24,821,000 would be allocated to these purposes, and would all be nonreimbursable.

Under the legislation that you are considering this morning, because of the authority to allocate joint costs to recreation, the total allocation to recreation would rise substantially. Of \$44,685,000, some \$5,726,000 would be reimbursable from local interests on a cost-sharing basis, and \$38 million would be nonreimbursable. On the Columbus Bend project, under the existing situation, none of the costs would be reimbursable, total nonreimbursable amount would be \$8,431,000. Under the standards established by the legislation you are considering this morning, \$750,000 would come from local cost sharing, and \$12 million—and these are principally benefits to migratory waterfowl—would be a Federal expense, and nonreimbursable.

Mr. Lee has called my attention to the fact that under the provisions of Senate bill 1229, recreation benefits would also be calculated in these projects. If the members of the committee are interested in these tabulations, we have copies.

You have had a discussion this morning, and I think a very useful one, related to different methods of cost allocations and the effect of these two bills. We have again—and I think it helps to set out graphically the effect of this legislation—taken two projects, the Auburn-Folsom South project, and the Tualatin project that the committee

considered a few days ago, to show the effect of this legislation as compared to H.R. 9032. On the Auburn-Folsom South project, there are no separable costs at the reservoir specifically provided for recreation purposes, so all of the nonreimbursable amounts under the legislation that you are considering this morning would relate to specific costs for recreation facilities.

On the Tualatin project, additional capacity is provided in the reservoir to provide a minimum pool for the benefit of the reservoir fishery, so certain costs of the reservoir itself, a specific part of the joint costs, is allocated to fish and wildlife, and part of that would be reimbursable—50 percent of it, as would 50 percent of the specific cost provided for these functions.

In very brief summary, we have picked these projects as illustrative of the effects of this legislation on projects under consideration in the Department of Interior. I think in conclusion, I would only like to say this: That the legislation that was proposed a year ago in which the reimbursable amounts came from the joint costs at the reservoir, under certain criteria that were established in the legislation, tended to require rather substantial amounts of reimbursement from a few projects. In contrast, most of the water resource projects built by the Bureau of Reclamation and the Corps of Army Engineers would not have any requirement for reimbursability.

Under the legislation you are considering this morning, which requires that the reimbursement come from 50 percent of the separable costs allocated to recreation, fish and wildlife benefits, you will find a small amount—a smaller amount, generally, of reimbursement required at practically all of the projects that are built by any of the Federal construction agencies.

Mr. Chairman, that concludes my statement. We would be happy to attempt to answer any questions that the committee wishes to put to us.

(The prepared statement follows:)

STATEMENT OF HON. KENNETH HOLUM, ASSISTANT SECRETARY FOR WATER AND POWER DEVELOPMENT, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the committee, I am pleased to have this opportunity to appear before you to discuss and support S. 1229. This proposed legislation is designed to establish uniform Government-wide standards for the financial treatment of recreation and fish and wildlife features of Federal multipurpose water resource projects. It will establish procedures that I consider reasonable and equitable. If enacted, the legislation will make certain that recreation and fish and wildlife benefits receive the consideration they merit while projects are being proposed and planned, and it will expedite the work of both the Congress and the executive agencies.

This bill was introduced by your chairman at the request of the Director of the Bureau of the Budget. The Department of the Interior has been pleased to support and for some time participate in the efforts of the Bureau of the Budget and the House Committee on Interior and Insular Affairs in formulating a companion measure, H.R. 5269. Legislation of a similar nature was considered on the House side in the previous Congress. Today, I should like to address my brief remarks to those aspects of S. 1229 which bear importantly upon objectives and responsibilities of the Department of the Interior.

Viewing the outdoor recreation experience of the American people in its totality, and mindful of the major responsibility which the Department of the Interior exercises in this vital element of our national life, we regard S. 1229 as an effective measure to achieve major Federal water project recreation and fish and wildlife policy objectives. We also regard it as an effective solution to vexing, long-pending subsidiary policy questions. Although Federal water projects in the

past have been designed primarily for other purposes, they provide recreational opportunities for day visitors and campers numbering in the millions. The upward trend in recreational use of such projects is accelerating. We would all be derelict if we failed to consider those requirements while developing new projects and in the operation of existing projects. General legislation should recognize the national policy implications of this developing situation, and should promote coordination between Federal and non-Federal recreation and fish and wildlife interests. It would replace project-by-project legislation and the uncoordinated "less than the best" recreation planning and development of the past.

The overriding policy question remains as before: What specific provision for recreation and fish and wildlife enhancement should the Federal Government make in planning, constructing, and operating Federal water projects? A second policy question, of added significance since enactment of the Land and Water Conservation Fund Act of 1965, is: To what extent should the beneficiaries of project-related recreation development share in the cost to the Federal Government of making specific provision for such benefits?

S. 1229 addresses itself to these important questions, as did the proposal of the previous year, but the approach taken to their resolution provides greater clarity of detail and recognition of related legislation. This, and the attempt to anticipate an unavoidably complex variety of existing and potential situations, offers, we feel, assurance of successful implementation.

In essence, the bill provides that the benefits and costs of recreation and fish and wildlife enhancement purposes shall be taken into account on a par with other purposes in formulating and evaluating Federal water projects. It provides that costs shall be allocated among all purposes equitably, that not less than 50 percent of the separable costs of these purposes shall be borne by non-Federal public interests, and that remaining separable costs and all joint costs allocated to these purposes shall be nonreimbursable.

In order to effectuate these provisions, evidence of intent to agree to non-Federal management of project land and water areas for such purposes, and to cost sharing, is necessary before authorization of a project, and agreement is necessary before project construction. Repayment of shared costs by States or local interests may extend for 50 years, at interest rates comparable to those applied to other project purposes. The source of repayment may be a portion of entrance or user fees set by State or local interests. These fees would be subject to periodic review. Whether or not there is agreement on non-Federal administration and cost sharing before construction, lands may be acquired to preserve the potential of the site for these purposes.

When the ideal arrangement just described—namely, intent and subsequent agreement to non-Federal management and cost sharing from the outset—is not forthcoming, three other situations are anticipated:

- (1) Without agreement subsequent to authorization, construction of the project for other purposes may proceed but economic and financial evaluations could count only those limited benefits expected to arise from the project with the provision of minimum basic health and safety facilities for recreation and fish and wildlife enhancement. Resulting nonreimbursable joint cost allocations to these limited purposes would be reduced and allocations to other purposes would be increased. In this instance, we would expect that lands acquired to preserve the site potential would be treated in a deferred-cost category. They would not be considered when computing benefit-cost analyses. That is, potential benefits which might flow from the provision of such lands would not be accounted for in the benefit-cost ratio.

- (2) Agreement may be reached on non-Federal administration within 10 years after initial project operation for other purposes, in which case not less than 50 percent of costs of land, facilities, and project modifications for recreation and fish and wildlife enhancement would be borne by non-Federal interests. There would be no reallocation of joint costs.

- (3) If no agreement is executed within the 10-year period, lands acquired to preserve the site potential may be disposed of by a number of means set forth in section 3(b) (2).

These are the major provisions for dealing with new projects. For projects underway or completed upon enactment of this legislation, non-Federal manage-

ment agreements may be executed providing for operating charges of existing recreation and fish and wildlife facilities to be borne by non-Federal interests, and related land and facilities to be transferred at no cost.

It should be emphasized that this bill does not apply to national recreation, forest, or public land areas appropriate for Federal administration. Such areas are dealt with in the Land and Water Conservation Fund Act.

S. 1229 is careful to recognize the role of the Bureau of Outdoor Recreation in water resource planning, and provides assurance that analyses derived from its work be available to the Congress in its consideration of proposed water resource projects. This is accomplished by section 6(a) which requires that the views of the Secretary of the Interior, developed in accordance with section 3 of Public Law 88-29, be set forth in project reports, and that such views include a report on the extent to which proposed developments conform to State comprehensive plans developed pursuant to the Land and Water Conservation Fund Act of 1965.

S. 1229 also would amend the Fish and Wildlife Coordination Act so that fish and wildlife, as either a Reclamation or Corps of Engineers project purpose, would be treated on an equivalent cost allocation and reimbursement basis. That is, fish and wildlife damage mitigation would be subject to cost allocation procedures applicable to all project purposes and would no longer be fully nonreimbursable. This is consistent with legislative policy on treatment of water resources project mitigation costs of all kinds, including those of the Corps of Engineers.

There is a provision in this bill placing an expenditure limitation of \$28 million on lands or interest in lands to accomplish the Federal Government's obligation to conserve and protect migratory waterfowl. These expenditures are in addition to those made from the migratory bird conservation fund for refuges. The limitation applies only to expenditures for acquisition of lands or interests in lands which would not otherwise be acquired. This bill permits limited acquisition for incorporation into a migratory waterfowl refuge. We believe use of project funds for this purpose constitutes a sound management practice.

Section 6(g) of the bill provides that offsets from the land and water conservation fund shall not be made against the portion of project recreation and fish and wildlife enhancement costs not borne by non-Federal interests under this bill. This will preserve the land and water conservation fund for offsets against water project recreation and fish and wildlife enhancement costs borne entirely by the United States.

Section 7(a) of this bill provides general authority to the Bureau of Reclamation, as is now available to the Corps of Engineers, to construct, operate, maintain, and otherwise provide for public outdoor recreation development at existing and future water projects. Future plans in this respect will, of course, be contained in reports brought before the Congress for authorization. As to existing projects, the need for additional land and facilities would be reviewed under the general authority of this bill, and such construction programs as are justified would be undertaken upon approval of the Congress. The bill also provides authority to allocate water and reservoir capacity to recreation in reclamation projects, but such authority does not extend to existing or heretofore authorized projects. Finally, the bill gives authority to the Secretary of the Interior to enter into the agreements and transactions contemplated above with non-Federal entities or persons.

The Department's response by letter of March 19 to your request for views on S. 1229 elucidates some interpretations and corrects imperfections of composition and omission which we feel remain to be clarified in the measure. I will not dwell on these at present, except to say that legislation of such widespread effect as this cannot hope to answer all possible situations that may arise. I am thinking, for example, of a situation in which recreation or fish and wildlife costs may be incurred at an upstream reservoir, the benefits of which may only be realized far downstream and perhaps in two or more States.

A case in point is the Touchet division, Walla Walla project, in Washington, now in the process of authorization. This project is, in part, designed to maintain streamflow to enhance anadromous fisheries. Widespread beneficiaries utilizing commercial and sport fisheries along the Columbia River and in offshore Pacific waters would be virtually impossible to identify equitably. Difficulties of implementing cost-sharing agreements contemplated in this bill may, in such cases, require special consideration from time to time.

Senator JACKSON. Secretary Holum, during the last 5 years, have we had any irrigation and reclamation projects that have been submitted and acted upon that would not have been feasible except for the benefits that would accrue from recreation, fish, and wildlife?

Mr. HOLUM. Well, I can answer very positively as far as recreation is concerned, because up to this time, we have been without any authority to make any allocations to recreation.

I will check the record, Senator, to be absolutely sure, but I think that you will find the same thing is true as far as fish and wildlife is concerned, although there are projects or there can possibly be projects, considered in the Department of the Interior where the benefits to fish and wildlife are substantial, in the national interest.

And it might just happen that projects became feasible, because these benefits are there.

Senator JACKSON. Maybe you should check and see, and make sure that that is the case, as you have indicated. I have a feeling that some projects would be infeasible if it were not for the added recreation and fish and wildlife benefits.

I think we might as well be candid about it.

Mr. HOLUM. We will be happy to check.

(The information requested is as follows:)

Inspection of reclamation projects authorized in the past 5 years to determine if the project would be feasible without the functions of fish and wildlife and recreation

Project	State	Were functions included?		Is project economically feasible without fish and wildlife and recreation?
		Fish and wildlife	Recreation	
San Luis unit, Central Valley project.....	California.....	Yes.....	Yes.....	Yes.
Norman project.....	Oklahoma.....	Yes.....	Yes.....	Yes.
Crescent Lake Dam project.....	Oregon.....	No.....	No.....	Not applicable.
Mercedes division, lower Rio Grande rehabilitation project.....	Texas.....	No.....	No.....	Do.
Western division, The Dalles project.....	Oregon.....	No.....	No.....	Do.
Cheney division, Wichita project.....	Oklahoma.....	Yes.....	Yes.....	Yes.
Avondale, Dalton Gardens, and Hayden Lake Irrigation Districts.....	Idaho.....	No.....	No.....	Not applicable.
San Juan-Chama project.....	New Mexico.....	Yes (further studies authorized).	Yes.....	Yes.
Agate Dam and Reservoir, Rogue River Basin project.....	Oregon.....	No.....	Yes.....	Yes.
Arbuckle project.....	Oklahoma.....	Yes.....	Yes.....	Yes.
Upper division, Baker project.....	Oregon.....	Yes.....	Yes.....	Yes.
Delivery of water to Mexico.....	Arizona.....	No.....	No.....	Not applicable.
Fryingpan-Arkansas project.....	Colorado.....	Yes.....	Yes.....	Yes.
Mann Creek project.....	Idaho.....	Yes.....	Yes.....	Yes.
Oroville-Tonasket unit, Chief Joseph Dam project.....	Oregon.....	No.....	No.....	Not applicable.
Dixie project.....	Utah.....	Yes.....	Yes.....	Yes.
Lower Teton division, Teton Basin project.....	Idaho.....	No.....	Yes.....	Yes.
Whitestone Coulee unit, Chief Joseph Dam project.....	Washington.....	Yes.....	Yes.....	Yes.
Fruitland mesa project.....	Colorado.....	Yes.....	Yes.....	Yes.
Crooked River project extension.....	Oregon.....	No.....	No.....	Not applicable.
Pecos River Basin, reduction of nonbeneficial consumption use of water.....	New Mexico-Texas.....	No.....	No.....	Do.
Snettisham.....	Alaska.....	No.....	No.....	Do.
Spokane Valley.....	Washington.....	No.....	No.....	Do.
Bostwick Park.....	Colorado.....	Yes.....	Yes.....	Yes.
Savory-Pothook.....	Colorado-Wyoming.....	Yes.....	Yes.....	Yes.

Secretary HOLUM. Mr. Lee has asked to make a comment.

Senator JACKSON. Yes. Mr. Lee.

Mr. LEE. Mr. Chairman, we will check the record, and provide you this information, but in connection with this question, I think it is important to point out that the Senate Document 97 which has been referred to provides very definite standards to be used in project formulation. I consider the development of these standards that were clearly enunciated in this document as the most significant development that has taken place in the field of project planning for perhaps the last 10 or 15 years.

These standards indicate that you should select a core of a project, and add increments to that to the point where the benefits just equal the cost. At that point you stop. Then you can select other functions, and you will do the same thing. You would add increments to those functions to the point where the benefits just equaled the cost. Then after you have done this, after you have considered all functions, then you would check all functions that you have included to be sure that no function was included that could be served more cheaply in alternative ways.

When this is done, when you go through this project formulation, and we have done this for all projects that we have submitted since Senate Document 97, it follows that you can take your projects apart in the same way, and eliminate functions, and the remaining project is always justified.

And so I can say emphatically, for the last 3 years, we could have taken fish and wildlife and recreation, or any other function, out of our project, and strip it on down to the base with which we began and that base would still be a justified development in its own right.

Senator JACKSON. Now there was a document in the agency entitled "Separable Costs-Remaining Benefits Method of Cost Allocation," dated February 17, 1961. Did you use that as a guideline from the period subsequent to that date, and if so, until when?

Mr. LEE. Mr. Chairman, we have been using the separable cost-remaining benefits method of cost allocation as the major cost allocation method since, as I recall, 1954. At that time, there was an interdepartmental agreement between the Corps of Engineers, the Federal Power Commission, and the Department of the Interior regarding the use of that method as far as those three agencies were concerned.

During the period in which we have used that procedure, there have been some refinements in concepts that have gone into it, but that is the essential procedure which is now used.

If the committee would wish, we have copies of a table which we could distribute, and with those at hand, perhaps I could go through the basic steps involved in that method of cost allocation, so you would get a better understanding of the steps involved.

Senator JACKSON. I think it would be helpful, if it is not too detailed. I think the real problem that we face here, in the Congress, is to determine whether objectives which everyone would agree upon as sound and sensible are properly interpreted to carry out these objectives.

Mr. LEE. Well, Mr. Chairman—

Senator JACKSON. The question that I think we all would want to raise is whether or not a given useful program, such as fish and

wildlife and recreation, is being stretched to make feasible a project that would not otherwise be justified. This question applies whether we are talking about the Bureau of Reclamation projects or Corps of Engineers projects, or any other project. This has been a continuous problem all down through the years. We have had it in flood control, and navigation, all of which are nonreimbursable.

Mr. HOLUM. Yes, Mr. Chairman, we certainly agree that this is a matter that should be of concern to the Congress, and it has been a matter of great concern to the executive agencies, too.

This applies particularly to recreation, because the problem of allocating costs to recreation became a very real problem for the first time when we began to think of recreation as a full partner in water resource planning, think in terms of allocating costs to recreation, and to think in terms of some of those costs being nonreimbursable.

A considerable amount of effort has been devoted by the executive agencies, to refine as sharply as possible the methods that are used for allocating costs to recreation. I think an example of that can be found in what we did on our own motion, as far as the Auburn-Folsom South project was concerned. The project had been originally formulated without any thought of allocating costs to recreation on a nonreimbursable basis.

On that basis and when it was decided to make an allocation to recreation under the standards that were used at that time, if I remember correctly, \$86 million was allocated to recreation. When we began to think of some of this as being nonreimbursable, we took a very careful look at the Auburn project, and all of the standards that were used in recreation.

I think in particular relationship to this project, we have refined those standards so that now, if my memory is correct, it is \$35 million instead of \$86 million which was allocated to recreation at Auburn, and these are the standards we now use—we think they are carefully refined.

They have been carefully examined and the policies are used by all of the agencies now in making these allocations to recreation.

Senator JACKSON. Again, how much discretion is left within the standards to make a determination and finding for a given amount to be allocated to recreation or to fish and wildlife?

Mr. HOLUM. I don't suppose it is possible to ever completely eliminate discretion on the part of the people who are formulating these projects. But standards that are set out are as rigid as it is possible to make them, and all of the pressure from the executive agencies on the people who were formulating projects is that they follow them carefully and precisely.

When we tell them to look for the opportunity to provide the same amount of recreation someplace else at the lowest possible cost, I think they do it.

I am sure that members of this committee know that as far as benefits to recreation and fish and wildlife is concerned, these benefits are not estimated by the Bureau of Reclamation. They are a part of it, of course, because these are reclamation projects, but the basic work on benefits and single-purpose alternatives is done by the Bureau of Outdoor Recreation, the National Park Service, and the fish and wildlife agencies in the Department, just as we depend upon the Corps

of Army Engineers to determine for us the proper benefits for flood control and navigation, if there happen to be these functions in a reclamation project.

Senator JACKSON. But isn't it a lot harder to make a determination of the cost benefits in the case of recreation, fish and wildlife, than it is with reference to flood control or navigation? In those fields, you are dealing with tangible situations, especially in flood control, because you can determine what property you are going to protect, what you would save from damage. But I submit that we do get into a highly speculative area when you try to make a determination as to what the recreational benefits are going to be and what the fish and wildlife benefits are going to be.

A whole new problem is presented, it seems to me, in trying to work out a formula that will be fair and bring about the desired result, but still not be subject to abuse of discretion.

When a project comes up before this committee we see tabulated so much for flood control, so much for recreation, so much for fish and wildlife. Concerning flood control, we can get some concrete testimony.

When we get around to the determination of how they have been able to figure out \$10 million ought to be allocated to recreation and fish and wildlife, I must say I am lost.

We are trying to project ahead, to figure out the cost of these benefits, and we don't have much to go on.

Do you care to comment on that?

Mr. HOLUM. Well, Senator Jackson, Director Staats has already supplied, I believe, to the committee, supplemental No. 1 which is in effect a supplement to Senate Document 97, which sets forth the standards that all of the executive agencies are using in calculating these benefits to recreation and fish and wildlife. I would agree that these things are intangible, to a certain degree. On the other hand, I think there are many aspects of it that can be measured quite precisely, how many people are using the Bureau of Reclamation reservoir, or a Corps of Army Engineers manmade lake for recreation use, and how many people are fishing on it.

We can measure quite accurately, and do, how many fish are caught. Then it becomes a problem, of course, of relating this use to a tangible dollar value, but I think that the basic premises can be managed and calculated quite precisely, and they are.

Senator JACKSON. Well, I have a feeling that it is far more speculative than that, Secretary Holum. We are in an area of great uncertainty, and my only concern is that we don't get ourselves into a situation where we will utilize these new formulas to justify projects that are not otherwise feasible.

I think we have to be very careful about it, and what concerns me more than anything else, is the latitude that exists in making a calculation affecting the recreation, fish and wildlife, in the hands of the administrator, and the others who participate in making cost allocations.

I realize that it is not done by the agency that is going to construct the project, and that it is reviewed across the board, but I think the crucial problem, the central issue here, is whether or not there is adequate review in determining whether or not the allocation that is to

be made is a reasonable one, and one which should be approved by the Congress. This is the crucial problem.

It is the central issue in this bill, as I see it.

Senator KUCHEL. Let me ask a question on that point.

We are dealing there with a recommended policy for participation in the costs of certain specific purposes in irrigation projects, to wit: recreation and fish and wildlife. I assume that today, unless a specific bill dealing with a specific project speaks of reimbursability, the general rule is we don't have it in those fields.

Mr. HOLUM. Senator Kuchel, if there is no general legislation, the executive agency will continue in the embarrassing position it finds itself in at the present time, without any congressionally approved standards.

The Congress, in the Rivers and Harbors Act of 1962, enacted approved certain projects, with certain standards. At that time, the congressional committees were willing to say that up to 25 percent of a project could be nonreimbursable for fish and wildlife and recreation.

One project was approved for the Bureau of Reclamation under the standards of H.R. 9032. It was the Bostwick Park project. Yet, H.R. 9032 was not enacted, and now has been superseded by S. 1229 and its companion bill in the House. So we continue to find ourselves in an embarrassing position. I know the very difficult position of the Congress, of not knowing exactly how these projects are to be formulated. We come before you with a whole series of figures, many alternatives requiring extra work on our part, and I am sure making the work of the Congress much more difficult. I am sure that somehow or other standards will develop, if a general law isn't passed, that Congress, by approving projects as it did last year, as the Congress did in 1962, will gradually set out guidelines that the executive agencies will follow.

I think it is much more desirable if you do it on a specific basis in a policy bill.

Senator KUCHEL. It seems to me there is a good deal of merit in this legislation.

Senator JACKSON. I want to say to my colleague, I wasn't arguing about the need for legislation.

Senator KUCHEL. Yes.

Senator JACKSON. I think there should be legislative standards set. What I am concerned about is the area of speculation that is involved in determining what the cost allocation should be in dealing with recreation, fish, and wildlife. This is the point I raise.

Mr. HOLUM. Let me add just a little to what I said, Chairman Jackson. As to what we can do to measure the validity of the decisions that are made by the planning people in the departments, we can of course—I have already said—know how many people use these facilities. We can know what people are paying to use the comparable facilities that have been built privately. We can know what people spend who spend a day on the golf course, or horseback riding, and I can assure you that the dollar benefits that are calculated for a day's use with a Federal multipurpose water resources project are substantially less than what people pay for a day's use of some of these other facilities that are provided, and I am sure that it ought to be.

Senator JACKSON. Do we have any water projects that do not have either a fish and wildlife or a recreational benefit, where a dam and a reservoir is built? Have we had any since we started the program in 1961 or 1962?

Mr. HOLUM. I think not, in the last few years, but certainly in earlier projects these benefits were not considered at all.

Senator JACKSON. What I am leading up to is: Prior to what year was it that we had the first project in which recreation and fish and wildlife were treated as nonreimbursable?

Mr. LEE. Mr. Chairman, in 1948 we had authorized the Kennewick Division of Yakima project with an allocation of joint costs to fish and wildlife. This is the first project that I know of where this was done.

Starting about 1953, we began to appraise the need for minimum basic recreation facilities on individual projects, and recommending them on a specific basis. We have not had any projects authorized that had an allocation of joint costs to recreation.

Senator JACKSON. What I am getting at is that there is hardly a project that one can visualize that involves a dam—the storage of water for the reservoir—where there won't be an allocation for recreation and/or fish and wildlife. Right? Generally speaking.

Mr. HOLUM. I think that is correct.

Senator JACKSON. So there is a whole new order of magnitude that we are building into all these projects, and it isn't just the Bureau. The Corps of Engineers, of course, is following this procedure now, which didn't exist up until just recently. This is the point, I think, that we should understand, and what we were getting into.

Mr. HOLUM. I think this is really a problem of evolution. When the original Reclamation Act was passed, standards were set for the reimbursement of irrigation facilities. Later, the Reclamation Act was amended, and standards were set that we have followed ever since, as far as the reimbursement of hydroelectric power is concerned.

Senator JACKSON. What do you do in the case of the construction of a dam or a reservoir in the heart of an area where you have a lot of natural lakes, streams, everything else?

Mr. HOLUM. The recreation benefits are less.

Senator JACKSON. Less, or should there be any?

Mr. HOLUM. Less, because there will be less use. That is why we found such substantial benefits at the Auburn-Folsom South project, because it is in an area with a tremendous population, desperately needing water resource recreation opportunities. The main things we found out at Folsom Dam was that the lake would be covered with people every day that the weather was fine, so the use of the reservoir was at a maximum; all the people you could accommodate.

Senator JACKSON. One last question on this point: I believe Mr. Lee mentioned the Kennewick project. Were the calculations made back in 1948 subsequently justified? It happens to be in my home State, so I thought I would use it as an example.

Mr. LEE. I don't know, Mr. Chairman, that we have actually made any check of this. Most of the allocation there stemmed from upland game birds, and I don't know whether records have been kept on the take of upland game birds or not.

Senator JACKSON. Well, do we have any data to support this added expense? Do the standards that have been set up in recent years indicate that the criterion we are using is reasonably conservative in trying to make a sensible allocation of costs?

Mr. HOLUM. I think the best way to check our prediction would be to take a look, and we will, at the predictions that were made when certain projects were authorized as to recreation-day use, and see if those predictions have been realized.

Senator JACKSON. Would you supply that for the record?

Mr. HOLUM. Yes, sir.

Senator JACKSON. Fine.

(The information requested is as follows:)

Recreation visitations at Reclamation reservoirs

State	Project	Annual visitor-days			
		1st year of use		1963	Authorization estimate
		Year	Visitation		
California:					
	Cachuma.....	1958	245, 178	674, 904	49,000.
	Trinity.....	1960	19, 300	389, 288	192,000.
	Solano.....	1958	520, 000	1, 163, 606	26,300.
	Ventura River.....	1959	7, 300	451, 864	376,000-564,000.
	Washoe-(Prossen).....	1963	16, 500	16, 500	56,000.
Colorado.....	Collbran.....	1962	18, 123	58, 600	10,000.
Idaho.....	Minidoka-Palisades.....	1958	205, 075	227, 700	6,250.
New Mexico.....	Middle Rio Grande-El Vado.....	1958	8, 000	19, 300	16,150.
Oklahoma.....	Washita.....	1959	32, 000	378, 859	85,000.
Oregon:					
	Crooked River.....	1958	375, 000	637, 432	7,000.
	Rogue River.....	1960	17, 750	398, 706	57,000.
	Vale.....	1963	5, 250	5, 250	9,300.
	Wapinitia.....	1959	1, 000	30, 000	35,255 (1950).
					42, 306 (1960).
Texas.....	San Angelo.....	1963	8, 500	8, 500	120,000.
Utah.....	Weber Basin.....	1958	45, 000	552, 847	508,000.

Mr. LEE. Mr. Chairman, I would like to call your attention, if I may, to a project on Crooked River in central Oregon. This project was authorized several years ago, and I have forgotten the specific estimate of the recreation use, but I know that within 3 years, we have had more recreation use, more visitor-days, than were estimated for the 50-year period.

Senator JACKSON. Well, that will be part of your statistics. If you can get all that information it will be helpful.

Senator Gruening?

Senator GRUENING. Secretary Holum, I share the chairman's question on the matter of interpretation, not merely in the field of costs, but I refer again to this paragraph concerning which I questioned Mr. Weber, namely, that the benefits of the project to recreation and fish and wildlife enhancement should be taken into account in determining the economic benefits of the project.

Well, now, if the Fish and Wildlife Service were to make that determination of the Rampart Dam, there would be no Rampart Dam, because they say there are no benefits. They are always destructive; they see no value whatever in a lake 10,000 square miles in extent, in an area where there are no lakes. All of central Alaska is without lakes.

Now here is a great potential with respect to recreation, and fish and wildlife. Those of us who follow these matters think that not only will there be no destruction of fish and wildlife, but there will be actual enhancement. The question is, How is this going to be determined? Now the economic benefits of this project, with a projected cost of 2 mills per kilowatt-hour, the lowest cost in the Nation when the project is completed, are certainly going to be very great.

Now how is a determination concerning recreation, fish and wildlife benefits, going to be made? Is it going to be made by the Fish and Wildlife Service? Is it going to be a joint enterprise by various branches of the Department of the Interior, or will the State authorities have any voice in the matter? This is a matter of great importance to us, and unless we can get some reasonable answer, we would feel very doubtful about this legislation.

Mr. HOLUM. I think all of the agencies that you have mentioned, Senator Gruening, will have and are at the present time having an opportunity to review the calculations that have been made by the Fish and Wildlife Service, and the Department of the Interior.

They will have an opportunity to express themselves to the executive agencies and to the Congress, so that all of the facts and all the points of view will be available, when final decisions are made.

Senator GRUENING. Well, obviously, those of us who are conservationists, such as I am, are concerned about the preservation of fish and wildlife resources. We are concerned about recreation. We think it is one of the great potentials in our Nation, but as I said before, we are dealing with a certain number of extremists who can only see their particular angle, and not the economic and other benefits of the entire community, and this is a crucial issue in the Nation today. It is a thing that we are all concerned with.

We don't want to destroy anything. We want to preserve all our natural heritage, we want to preserve all our natural beauty, but at the same time, we have to realize that man must have a habitat in which there is an economy which will enable him to live, and that is an issue which is going to confront us increasingly in the next few decades.

I think this is something that the Department should give very serious consideration to, and not allow a one-sided and prejudiced and slanted view looking at only one angle of it to determine the overall result.

Mr. HOLUM. Well, in general, Senator Gruening, I comment this way: I think you have very accurately pinpointed the responsibilities of both administrators and legislators, to hear all points of view, to consider them, and then hopefully to make the right decision.

Senator GRUENING. Thank you.

Senator JACKSON. Senator Allott.

Senator ALLOTT. Thank you, Mr. Chairman.

First of all, for the sake of the record, I would like to associate myself with the line of questioning and the thoughts that the chairman has voiced with respect to the assessment of costs for recreation, fish and wildlife enhancement. I have felt, as have many others on this committee, that this was a factor which in some instances gets very highly speculative.

I just checked the Norman project as a matter of curiosity, and I see that we had 12 percent there, in the Nebraska Mid-State, if my arithmetic is right, we have 15 percent; the other day on Tualatin, I think we came up with approximately 4 percent of the cost of that project; and if my recollection is correct, we have had one or two projects—and I can't give them without some study and investigation—where recreation and fish and wildlife costs have run around 19 or 20 percent or so.

Now I may be in error as to the precise figures, but when you see this wide variance you wonder, as we have often wondered, if somebody simply hadn't dreamed up a recreation and fish and wildlife enhancement to make a project feasible.

For example, I would like to carry your thought through just a little bit, Mr. Holum. I realize that there is an area here where you are bound to be speculative. In an area where there are relatively few recreational opportunities, a relatively inadequate or poor recreation area would be valued more highly than it would where there are lots of water and lots of hunting, and so forth.

Mr. HOLUM. Yes.

Senator ALLOTT. You mentioned, or Mr. Lee mentioned, a golf course. Well, this can be true, too, but how do you place a value on it? I gave up golf because of a lack of interest, a long number of years ago, so a golf course has no recreational value to me, personally.

So, too, many of these recreation areas have no value to large segments of our population. What I am trying to say is that I don't see how you can assess value upon projected visitation alone. For example, in the Oregon project, which Mr. Lee cited, you get a great number, a far greater number of visitors than you had anticipated. Many of these are repeaters, I would judge. In another instance, you might get far less use, and less income, than hoped for.

In a speculative area such as this I don't see how you can assess value with as much precision as you can, for example, on flood control. We had the Paonia project as part of the upper Colorado River matter, a few years ago, and I went out and went over the records personally for several years in the flood losses which had accrued on that river because there was no control, and there you come up with a pretty definite idea of what you can make an assessment about. But I do agree that this is an area that even at the best—and I am not in any sense accusing the Department of Interior of bad faith, or of trying to pull a shenanigan in any of these things—but even at the very, very best, I think you have to get down to what is essentially a speculative valuation on these matters.

I would like to ask you one question. I think the bill is a wise step. We have in Colorado the situation, as you know, where the Curecanti project is under construction, and there have been some conferences in your Department with the idea that the State would take over, or attempt to take over, the operation of the recreational features of the dam or dams and lakes connected with the Curecanti project, whether it ends up two or three.

Now in what way, Mr. Holum, adversely or otherwise, would this bill affect that situation? It is my understanding that, so far, the Department of Interior has not viewed this favorably. I am correct on that?

Mr. HOLUM. I believe so. As a general policy, the Department of Interior is very anxious to get recreation areas, except for those that are really significant, under local management and local control.

Curecanti is one of the Colorado River storage projects, and is unique in reclamation history, because in the act, the Secretary of the Interior does have authority, which he does not have with most of his projects, to plan and to develop recreation opportunities.

Actually, what we are talking about here this morning is probably extending and improving the authority that the Secretary has in the storage project to other reclamation projects under his jurisdiction.

I don't think that you have to be concerned at all that this legislation will adversely affect programs at Curecanti.

Senator ALLOTT. I couldn't understand the last part of your statement. I am sorry.

Off the record.

(Discussion off the record.)

Senator ALLOTT. Would you repeat your last part? Because I want to be sure, if I can, what the intent of the Department is, and what they think about this bill with respect to Curecanti.

Mr. HOLUM. I am not completely sure but I promise to Senator Allott that I will verify it, and submit the information to you for the record, and there will be no adverse effect upon the Department's plans for developing recreation at Curecanti, if this legislation is adopted.

Senator ALLOTT. Then let me ask this question: Is it your position with respect to Curecanti that it is a project of such magnitude that the Federal Government must maintain control of the management and operation of the recreational end, the facilities there?

Mr. HOLUM. I think, Senator Allott, to be sure that we are giving you completely accurate information, that I should supply it for the record. I know that there is some thinking, and I am sure you are aware of it, that this is a significant recreation area which merits consideration, at least, for Federal management.

Senator ALLOTT. Well, I would like to discuss it with you, sometime, Mr. Holum, and not take the time of the committee, because I do feel that this is an area that might very well be applicable to a situation where the State could take it over, and we are very proud of our fish and game commission in Colorado. I think they do a good job. That is all I have, Mr. Chairman.

(The information requested is as follows:)

It is the view of this Department that the recreation potential of the Curecanti unit of the Colorado River storage project is of such magnitude and potential to warrant Federal operation. As a result on February 11, 1965, a memorandum of agreement was consummated between the Bureau of Reclamation and the National Park Service relating to the development and administration of recreation facilities on the Curecanti unit, Colorado River storage project. This memorandum of agreement identified the functions of both the National Park Service and the Bureau of Reclamation.

The functions of the National Park Service, among other things, would involve preparing plans for and constructing recreational facilities, negotiating and executing contracts for supplying necessary visitor services relating to recreational use, establishing and enforcing policies regarding recreational use, control of transportation in the area under its jurisdiction, and negotiation of activities with State and Federal wildlife agencies as necessary for the conservation and preservation of the wildlife resources.

The Bureau of Reclamation would be responsible for the construction, operation, and maintenance of the Curecanti unit. It would consult with the National Park Service on matters involving the development and administration of recreation facilities, the establishment and enforcement of regulations governing public access to the Curecanti unit, the establishment of, in cooperation with the Service, rules governing approaches to the dams by water as may be necessary, coordination and preparation of reservoir management plans, and consultation with the National Park Service so that recreational development and administration of the project area will be coordinated with construction and operation of the Curecanti unit.

The enactment of S. 1229 would in no way have any effect upon the recreation and fish and wildlife developments of the Curecanti unit. The enactment of S. 1229 would permit the Secretary of the Interior to purchase lands and construct facilities for recreational development on existing projects. There is no such general provision in law for this authority at this time. The enactment of S. 1229 would so provide.

In the case of the Colorado River storage project, however, the Secretary of the Interior already has such authority specifically provided for in section 8 of Public Law 485, the law authorizing the Colorado River storage project. Therefore, the passage of S. 1229 would not change, reduce, or increase the Secretary's authority to construct recreational and fish and wildlife facilities in the Colorado River storage project.

Senator GRUENING (presiding). Any other questions?

Senator SIMPSON. Mr. Chairman, let me associate myself with the remarks by my colleagues here, and say that I, too, share the concern to the effect that this snowballing authority will bring about situations that are pretty detrimental in some cases, where parks and recreation have been asked to add many, many thousands of acres of additional lands to the many millions of acres the Park Service already has.

I agree that in many instances, they are desirable, but you would find that we are dispossessing people from areas and away from their property and their homes. We are causing any amount of difficulty on that score. It is easy to roll back the frontier, but it is a bit difficult to roll back the population today, and that seems to me to be about what we are doing.

People are getting more leisure time. More of these areas are being set aside, but I think usually the estimates of the cost of acquisition are so far out of kilter that it is ridiculous and we can document that, as the chairman knows, and I think we need to call attention to the fact that we may be going too rapidly, and too far, and it becomes such a burden upon the population that we are doing a disservice rather than a service to the people seeking recreation.

I am in accord pretty much with this bill, because I think that this has probably been long needed, but I just add this other, which is not particularly outside the problem, because it is in your department Secretary Holum. But it is a worry, and I think the Congress, and especially this committee, is very desirous of taking a realistic and long look at these things, hoping to come up with a permanent situation that augers well for the entire future of the recreation of the public.

I have no questions about what you have said.

Senator GRUENING. Senator Kuchel.

Senator KUCHEL. Yes, I do want to say that I speak now parochially as a Californian. Your comments on the vast impact of the Auburn-Folsom South project, Mr. Secretary, which has received the stamp of approval from this committee, is a colorful, and correct, comment on what such projects can do in areas that are growing as

rapidly as is Auburn-Folsom, but which, nevertheless, require reclamation assistance.

I am acquainted with that area rather intimately, in which Auburn Dam itself will be located. I can see exactly in my mind's eye what you are talking about. When that project is brought into being, there will be thousands upon thousands of people from this burgeoning part of my State utilizing what otherwise they never would have known, though they would live there, and live out their lives there. I think all of us in this room who follow your testimony agree that, to the extent that the guidelines can be laid down specifically, the executive branch certainly may feel more comfortable and may become more precise in dealing with what certainly is an admirable public purpose. In the absence of such guidelines, sometimes it would be difficult with any precision to make a determination with any accuracy what part of the cost is to be borne by such a purpose. I remember in the Senate Water Resources Committee, the Select Committee on Water Resources, all across the country people had begun to become interested in problems of recreation, in connection with water resource development, and I think we are on the right road, doing what we are here today.

Mr. HOLUM. Senator Kuchel, I think you have made a very appropriate comment, that not only will it be easier for us and easier for the Congress if we have these guidelines, but I think you are absolutely correct in noting that we can do it more precisely if we know what the guidelines are.

If we have to put together four or five sets of figures, or four or five different theories and policies, we are spreading our people thin. We should know what the rules are. I think you are absolutely correct that we can do our job more precisely.

I think, Mr. Chairman, maybe it is unwise for me to volunteer this, but there has been and I think legitimately, a considerable amount of concern expressed as to how these benefits for recreation and fish and wildlife are determined.

If the Chair would wish it, we will be very happy to prepare and submit for the record a very brief and I hope concise statement of what the policies are, to implement supplement No. 1 that has already been requested by the committee.

(The information requested is as follows:)

DEPARTMENTAL POLICY IN IMPLEMENTING SUPPLEMENT NO. 1, EVALUATION STANDARDS FOR PRIMARY OUTDOOR RECREATION BENEFITS, TO SENATE DOCUMENT 97, 87TH CONGRESS, 2D SESSION

The interdepartmental statement of policies, standards, and procedures in the formulation, evaluation, and review of plans for use and development of water and related land resources (S. Doc. 97, 87th Cong., 2d sess.), approved by the President on May 15, 1962, provides for full consideration of recreation as a purpose in project formulation and evaluation. The purpose of supplement No. 1 is to provide standards for the evaluation of recreation benefits stemming from the use of recreation resources provided by water and related land development projects. Planning for recreation purposes should be of comparable scope and intensity to studies of all other project purposes, and outdoor recreation should be viewed as an economic product with values for which people are willing to pay some price.

Water resources agencies subject recreation, as a product and as a purpose, to the same requirements as other project purposes in determining economic feasibility of a project. Recreation benefits include the monetary values of net increases

in quantity and quality of use by outdoor recreationists which can be attributed to construction of the project. In the absence of a general "market" where recreation opportunities are sold for profit, the Federal agencies have jointly developed a schedule of daily unit values based on information available on actual charges made for hunting, fishing, and other forms of outdoor recreation, supplemented by the best judgment available on probable charges that users would be willing to pay for the provision of such opportunities if such charges were required. These unit values are considered net of all associated costs and are considered comparable to net benefits assigned to other project purposes. Estimated project benefits developed under this procedure are subject to the limitation that benefits may not be claimed which are in excess of the most likely, least-costly, alternative means of providing similar recreational opportunities in the absence of the project.

Supplement No. 1 to Senate Document 97 sets forth the schedule of monetary unit values for tangible benefits to be claimed in project evaluations. This schedule makes a distinction between general recreation, for which the range of unit day values is from \$0.50 to \$1.50, and specialized recreation, for which the range is from \$2 to \$6. In implementing these criteria, agencies are particularly careful to make this distinction. The general type of activity involves primarily those visits which are attractive to the vast majority of outdoor recreationists and which generally require the development and maintenance of convenient access and adequate facilities. Examples are swimming, boating, hiking, picnicking, sightseeing, trailer camping, water skiing, and most warm water fishing. The specialized type involves activities for which opportunity is limited, intensity of use is low, and large personal expense is required of the user. Examples are wilderness pack trips, white water canoeing, long-range cruising, and big game hunting.

The standard unit of measurement to which a value is applied is the recreation day spent as a project recreation area. In implementing policy for recreation planning, it is recognized that estimates must be carefully developed of the number of visits to recreation areas, as well as the value per visit. Factors which our resource agencies consider in this regard are (1) population within the zone of project influence, (2) proximity of the project to centers of population, (3) socioeconomic characteristics of the population including disposable income, age, and mobility, (4) leisure time and recreational habits that reflect changing consumer preferences, (5) the recreation use potential of the project area as reflected by its ability to provide uniqueness, diversity and access, and (6) the availability and attractiveness of existing and potential alternative recreation opportunities in relation to the demand. Also, to assist in determinations of specific facilities to be included at project areas, the various types of recreation activity—e.g., boating, swimming, camping, and so forth—are carefully analyzed.

It is recognized also that final answers to the recreation value on attendance have by no means been determined. In an area of analysis such as this, continuing research is urgently needed, as is clearly recommended in supplement No. 1. Toward the objective of perfecting current standards and criteria, water resource agencies are encouraging intensive research, in and out of Government, which will provide increasingly reliable answers to such questions as total recreation demand, activity preferences, locational factors, substitution possibilities, interproject competition, demand elasticities, and varying facility capacities.

Meanwhile, the agencies concerned believe that the estimates of benefits to fish and wildlife and recreation have reliability equal to benefits computed for irrigation, navigation, and flood control, also developed on a judgment basis by experienced personnel. Indeed, research in improved methods of estimating benefits to those traditional purposes is also needed and is contemplated.

Senator GRUENING. Any further questions? If not, thank you very much, Secretary Holum, for your very useful and very pertinent testimony.

We have one more witness today, Mr. Charles A. Robinson, Jr., representing the National Electric Cooperative Association.

Mr. Robinson, we are very glad to have you here. Will you proceed in whatever way you like? Either reading your statement, or highlighting it, whichever you prefer. In any event, the full statement will be included in the record.

STATEMENT OF CHARLES A. ROBINSON, JR., NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

Mr. ROBINSON. Thank you Mr. Chairman. My name is Charles Robinson. I am the staff engineer and staff counsel of the National Rural Electric Cooperative Association. With me is Mr. Robert Partridge, the senior legislative representative of NRECA.

Mr. Chairman, if my statement could be made a part of the record I would be happy to highlight it orally, and thereby save the time of the committee.

(The statement referred to follows:)

STATEMENT OF CHARLES A. ROBINSON, JR., STAFF ENGINEER AND STAFF COUNSEL, NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

Mr. Chairman and gentlemen of the committee, my name is Charles A. Robinson, Jr. I am the staff engineer and staff counsel of the National Rural Electric Cooperative Association, the national service organization of REA-financed systems.

The interest of rural electric systems in S. 1229 arises from the relationship between the hydroelectric power facilities and the facilities for other project purposes, such as recreation and fish and wildlife, in Federal multiple-purpose river basin developments.

During the fiscal year 1963, some 500 REA-financed electric systems obtained all or a portion of their wholesale power requirements from Federal power agencies. During that year they purchased from such agencies 13.8 billion kilowatt-hours of energy, representing 37 percent of the total wholesale power supply of all rural electric systems in the United States. For this power they paid to the U.S. Treasury \$68.7 million. The magnitude of this payment, and the wholesale cost of Federal power depends, of course, on the relative share of multiple-purpose project costs allocated to hydroelectric power. The rate for such power is established to repay the entire cost of each project allocated to the hydro features.

To the degree that project purposes other than hydroelectric power bear greater or lesser portions of project costs, the calculated power rate base goes up or down. The NRECA membership is, therefore, vitally interested in the instant legislation which recognizes the increased importance of the recreation and fish and wildlife facilities at multiple-purpose projects; and with recent policy decisions of the executive branch agencies which constitute realistic recognition of the use and value of recreation features included in multiple-purpose projects.

NRECA advocates prompt passage of S. 1229, and its companion bill in the House, H.R. 5269, which, under certain circumstances, recognize recreation and fish and wildlife as important features of Federal multiple-purpose water resource projects and authorize allocation to them of substantial portions of project cost. The present bills, we believe, establish, at least prospectively, workable national standards for the implementation and evaluation of recreation benefits on a scale which is flexible, according to the resource involved and local interest in it. They would constitute the first general statutory authority for sharing in joint costs by recreation and fish and wildlife. They seem particularly appropriate at this time when the population "explosion" requires ever greater opportunities for water-associated recreation.

The one major problem area with which S. 1229 does not reckon is the recreational use of existing, completed multiple-purpose projects. Statistics supplied by the Bureau of Reclamation and the Corps of Engineers show that, during 1963, such use exceeded 178 million visitor-days; 82 million of which occurred at hydroelectric projects.

The late and very highly respected Senator from Oklahoma, the Honorable Robert S. Kerr, together with Senator Monroney, sponsored legislation (S. 1164) in 1957 which would have recognized the recreational use of multiple-purpose projects which even then exceeded 80 million visitor-days per year. The Kerr-Monroney bill (S. 1164) which was favorably reported by the Senate Committee on Public Works, on April 17, 1957 (S. Rept. 250, 85th Cong., 1st sess.), would have evaluated project recreation benefits by multiplying the total average annual visitor-days experienced at a given project by not less than \$1; up to 15 percent

of total project cost. The Kerr-Monroney formula of S. 1164 would have yielded total annual recreation benefits for all projects of \$80 million as of 1957 and \$178 million as of 1963. These benefits, of obviously large magnitude, are still, in most cases, not recognized in calculating the benefit-cost ratio of the projects to which they are attributable.

The Kerr-Monroney bill of 1957 would, by the application of its provisions to projects "heretofore authorized" on an "annual benefit basis," have afforded a measure of retroactivity in its operation. Based on the calculation of annual recreation benefits attributable to an existing project, its recreation features would, in each year after passage of the bill, bear a portion of annual charges against the project. We respectfully suggest the inclusion in S. 1229 of the Kerr-Monroney concept of applying the provisions of S. 1229 to existing projects in future years on an annual benefit basis, thereby permitting the recreation features of existing projects to bear a portion of project cost in futuro.

It has long been the view of this association that standards for the allocation of costs to various project purposes should be brought more into line with factual circumstances by allowing all purposes, including recreation and fish and wildlife, to bear a fair share of the cost. In accordance with this belief, the NRECA board of directors, at its 1963 summer meeting, adopted the following resolution, which advocates nonreimbursable allocation of specific costs and of joint costs up to 25 percent of total costs to recreation:

"Resolved, That the board of directors of the National Rural Electric Cooperative Association does hereby endorse and urge adoption by Congress of legislation designed to assure that recreation is firmly established as a coequal purpose in multiple-purpose project evaluation and cost allocation procedures; to provide for nonreimbursable allocation to recreation of specific costs, and of joint costs up to 25 percent of total project costs; to authorize the use of power revenues to defray any allocation to recreation in excess of such amounts, after power and irrigation features are repaid, and to authorize the use of the proposed land and water resource conservation fund to offset such project costs as may be allocated to recreation on a nonreimbursable basis."

In summary, Mr. Chairman, we believe this legislation to be the most equitable vehicle thus far proposed by the administration under which the benefits attributable to recreation and fish and wildlife will be recognized in calculating benefit-cost ratios and recognized during the cost allocation process. We respectfully suggest, however, the addition to S. 1229 of some provision to afford recognition, in the form of cost allocation, to the 178 million visitor-days per year of recreation currently being experienced at existing projects which the legislation, as drafted, does not take into account. The change we suggest would be of particular help in those instances where the reimbursable costs allocated to irrigation and to power at existing projects are higher than the economy in the area of the project is able to bear.

Mr. ROBINSON. Our association, Mr. Chairman, is comprised of about 900, REA-financed electric systems, which serve about 7 million families, and businesses in 46 States, or about 25 million people.

We are perhaps one of the two largest classes of beneficiaries of the reimbursable features of the multiple-purpose projects which the committee is considering here this morning. Our people pay about \$70 million per year to the United States for the wholesale power which they purchase from these projects and in 1963 they purchased some 15 billion kilowatt-hours.

About 500 rural electric systems use Federal power for all or a portion of their wholesale energy requirements, and that constitutes 37 percent of our total supply throughout the United States.

That is our interest in Senate bill 1229. Mr. Chairman, I would like to emphasize the fact that this bill does not authorize any projects whatsoever. It merely, at least to me, seems to be an expression of agreement on the part of the Congress that the executive agencies, in planning these projects, may take certain steps which they may or may not take at the present time.

In other words, even though this bill were passed, and we think it should be passed, as the executive branch agencies proceeded to formulate projects in conformity with what they thought were the provisions of this bill, each time a particular project came to Congress for authorization this committee and its parallel committees and the Congress itself, will have opportunity to pass on that application of the legislation to a particular project; and that opportunity to again review its application will be presented to the Appropriations Committee when the project is placed under construction.

So perhaps, in its effect, the legislation does no more than express agreement by Congress with a set of administrative procedures which the executive agencies would like to place in operation, and each time a project comes up, Congress would have the opportunity to review the formulation of that project, and the details which have gone into that formulation.

Our membership for many years, Mr. Chairman, has felt the need for this type of legislation. At the present time, for instance, multiple-purpose projects are experiencing about 180 million visitor-days per year—180 million visitor-days per year at these projects. Yet the present standards utilized by the administrative agencies do not permit, in most cases, the allocation of any substantial portion of project cost to recreation.

This means that, in effect, those portions of project costs which in equity ought to be allocated to recreation are allocated to other purposes, such as flood control, water conservation, irrigation, and power. And with particular respect to the beneficiaries of the reimbursable features of these projects, the power users and the water users, the irrigators, the present situation results in these people having to pay higher costs for the services they receive from the projects than they should in equity pay, were the recreational facilities at these projects recognized in project formulation and in the allocation of costs.

Mr. Chairman, we believe that S. 1229 is sound legislation, which will remedy this inequity by expressing the consent of Congress to these standards recommended by the executive branch agencies, which will permit under certain circumstances, the allocation to recreation of portions of project cost, thereby placing that allocation where it belongs, rather than burdening the other features of the project with it. We have one suggestion for a change in the legislation, Mr. Chairman, and that goes to the fact that it is completely prospective in its application and operation.

In other words, the projects now in existence which are experiencing 180 million visitor days of recreation in toto would not in any way be affected, as I read the present legislation. No portion of the cost of these projects would be allocated to recreation whatsoever.

There would be no reallocation of costs at existing projects. The application of the bill as it is written would be entirely prospective, so, though it would correct the inequity as to projects in the future, it would not correct the inequity which now exists and which has existed for some 15 years.

We would not expect, Mr. Chairman, that the bill should be completely retroactive in its operation. We would not expect the agencies, assuming this bill were enacted, to go back 15 years and to restudy each project and to reallocate all of the costs or to disturb contracts,

but we might, Mr. Chairman, suggest the approach that was taken by legislation introduced by the late Senator Kerr and Senator Monroney in 1957, known as S. 1164.

That bill, which was favorably reported out by the Public Works Committee in 1957, would have assigned value to recreation prospectively of \$1 per visitor-day per year at each project, but would also, by the application of a rather ingenious formula, have provided for some relief of the inequity which exists at present projects. The Kerr-Monroney bill would have reexamined these projects already in existence as to their operation in future years and simply would have said that, for existing projects, the benefits conferred by them on recreation in future years will be assigned as an annual benefit. To offset that, an annual charge will be allocated against recreation on a yearly basis, in the future and, to the extent that that annual charge is so allocated, the charges against other features of the project in future years could be reduced.

We suggest that one way of remedying the inequity which has been brought about by the failure, during the entire history of the multiple-purpose resource development program, to allocate to recreation could be, in part at least, cured as to existing projects by addition to the present legislation S. 1229 of the concept contained in the Kerr-Monroney bill of 1957. The Kerr-Monroney bill, with respect to the earlier remarks of Senator Allott, would have also provided that in the case where an existing project did not have recreation facilities in it, such as the John Martin Reservoir which he mentioned, this project could be restudied by the executive branch agency responsible for its construction and, if it were deemed desirable by that agency to install recreation features, they could be installed and costs could be allocated to them.

These two provisions of the Kerr-Monroney bill of 1957 are not contained in the present bill. We suggest them as possible amendments for consideration by the committee. We do wholeheartedly support S. 1229. We think it marks an infinitely substantial improvement over the bill that was submitted 2 years ago, ostensibly to accomplish the same purpose, but which would have in no measure achieved the same objectives that will be achieved by S. 1229.

We very much appreciate the opportunity to appear, Mr. Chairman, and we thank the Chair and the member of the committee for hearing us.

Senator GRUENING. Mr. Robinson, I think it would be useful if you would submit the amendments that you have in mind so that the committee can consider them in the future. If you will submit the specific language that you think will carry out the purpose that you have in mind, I think it would be helpful.

Mr. ROBINSON. We will be happy to do that, Mr. Chairman.

Senator GRUENING. The record will be kept open for some time, so there will be ample opportunity to do this.

(The amendments referred to follow:)

SUGGESTED AMENDMENTS TO S. 1229

1. Line 17, page 3, strike "before January 1, 1966" and substitute in lieu thereof "during calendar 1965".

2. Add new section 4 as follows, and renumber existing sections 4, 5, 6, 7, and 8 accordingly.

SEC. 4. Projects authorized prior to January 1, 1965, and upon which payment has not been completed, may be modified to include recreation and fish and wildlife enhancement features and benefits as a basis for reallocation of costs. As to such projects, the benefits attributable to fish and wildlife and recreation and the separable and joint costs allocated thereto shall be calculated on an annual benefit and annual charge basis respectively rather than as a lump sum, shall not be retroactive and shall be based upon the average annual benefits attributable to fish and wildlife and recreation during the remaining anticipated useful life of the project.

(a) For projects completed prior to January 1, 1965, costs allocated to fish and wildlife and to recreation shall be in magnitude as provided for in section 2(a) hereof, and shall be reimbursible except to the extent that the Secretary of the Army or the Secretary of the Interior can negotiate with non-Federal public bodies for the administration of project land and water areas for recreation and fish and wildlife and for the repayment of costs allocated thereto as provided for under section 2 hereof.

(b) For projects authorized but upon which construction has not been completed prior to January 1, 1965, the provisions of sections 2 and 3 hereof shall apply except that the required preauthorization expression of intent shall not be required as to section 2.

Senator GRUENING. I have one question I want to ask you. Earlier in the hearing, the question of interpretation was raised by the chairman, and by others, including myself. Have you any question as to the possibility of interpretation, which perhaps might result in one interest being served better than another? Have you any question on that?

Mr. ROBINSON. Well, of course, Mr. Chairman, I have the same question in my mind that was raised by the present chairman earlier, with respect to whether or not it would be possible, under the language of the bill as written, for the executive branch agencies to submit a project formulated with a negative value assigned to fish and wildlife perhaps, or to recreation.

In many cases, the organizations which are most active in the recreation field, and some of the organizations which are most active in fish and wildlife field, do hold the opinion that certain of these multiple-purpose projects are detrimental to their interests.

And, there is a wide divergence of opinion on this issue. The Potomac River development is one good example. The very large and outstanding project in the home State of the chairman is another good example—the Rampart project. If you come up with a finding that the fish and wildlife and recreation potential of these projects is negative in value, you could very well have a situation in which this bill, instead of making additional projects feasible, would, in effect, make such projects unfeasible and preclude their construction.

Senator GRUENING. Well, that is precisely the point I had in mind when I raised this question, and I think it goes beyond any one particular project. It has been brought out acutely in the case of the Rampart Dam, by the extreme position taken by the Fish and Wildlife Service in opposing this, and proposing that if it is built, nevertheless, there should be an appropriation of \$600 million, which is a cost far more than all the fish and wildlife resources are worth, and this is particularly intriguing to us, because the record of the Fish and Wildlife Service conservationwise in Alaska has been utterly disastrous.

The Fish and Wildlife Service took charge of our fisheries in 1940, when it was at its peak, approximately 7 million cases of salmon packed a year. Under its supervision, it declined steadily over the un-

ceasing protests of Alaskans, until when it was concluded, in the last year of Federal control, it had dropped to the lowest point in 60 years, down from 7 million to 1,600,000 cases, with the result that the young State faced not only the far more difficult problem of rehabilitating its industry, but faced the economic problems which had been caused by the destruction of the livelihood of all our fishing communities. Then we noted the forecast of the Fish and Wildlife Service, and associates, that oil exploration in the Kenai Moose Range was utterly disastrous to the moose, which proved to be utterly false, because the moose have multiplied so now that they are far in excess of their cows, and our State department of fish and game has pointed out that not enough moose are being taken, and they have extended the season to include cows, extended the bag limit.

So now we have the record of the Fish and Wildlife Service as being a conspicuous failure, perhaps the greatest failure in the history of modern conservation when it was in charge of conservation, completely erroneous when it came to prophesying what would happen, and yet we are now confronted with a similar situation, where if their views prevail, they would completely nullify the great economically needed advantages of Rampart Dam, and this is a problem which we are going to face all over the country, where people with a single view lose sight of the largest interest of the whole community.

I think these views can be and should be reconciled and I think this is a very important issue, and it is raised in this bill. If the interpretation is left to a particular agency, which may have a bias, whether it be for or against, it is a serious problem, and I think that before we pass on this legislation we will want a lot more information about how these decisions are going to be arrived at.

We have suffered the evils of unrestricted bureaucracy in Alaska for so many years that we are very familiar with them, and we do not contemplate their extension and amplification with composure. I think this is a question which those of us who would like to see this legislation passed nevertheless will have to keep in mind.

Senator SIMPSON?

Senator SIMPSON. Mr. Chairman, I want to compliment you on your brief and succinct statement, the thrust of which is that you would like to have agencies and others who could share in the benefits also share in the costs. I think no one can take issue with that. And I think they shouldn't.

Mr. ROBINSON. That was precisely my point, Senator Simpson. Yes, sir.

Senator GRUENING. Have you any further comments, Mr. Robinson? We are always glad to hear from you on any aspect of this.

Mr. ROBINSON. Mr. Chairman, I was very much interested in your explanation of the problem in Alaska, and as I gathered, there is not, at least at the present time, a great shortage of moose in your State. This is a real problem in the formulation and the construction of multiple-purpose projects in many parts of the country.

The desire on the part of conservationists to preserve as natural areas major sections of river basins—and I personally and our organization sympathizes and has supported this activity in many areas—but when these conservation efforts have reached the point of completely blocking all multiple-purpose development on an entire river,

and on entire river basin systems, as would be the case with the Yukon, I think there is a danger of one particular group perhaps interfering with the realization by a much greater majority of the objectives of society in general.

I agree with you. I don't think we can permit a minority group to completely dominate the procedures by which we develop our river basins.

Senator GRUENING. Well, I think that the extremists among the conservationists are hurting the conservation movement, which is one of the most important and desirable movements in modern times. It is now practically half a century old, since it was dramatized by Gifford Pinchot and President Theodore Roosevelt, and it is a great, great value. But some of the extremists have gone so far in their zeal that I think they are hurting the whole movement, and I think that is a serious problem which some of the more sane conservationists should face.

And I think you encounter it in matters of dams, highways, oil wells, bridges. Some of these extremists consider any of these structures which are a part of our modern economy as public enemies, and that is an unfortunate attitude.

Mr. ROBINSON. Mr. Chairman, I believe that in this great country there is room for developing our natural resources so that they will serve the needs of all of the people. I think that is the objective we should pursue.

Senator GRUENING. I agree. And we want to establish, if possible, a consensus, to use a word that is now current.

Mr. ROBINSON. Yes, sir.

Senator GRUENING. Thank you very much, Mr. Robinson.

The committee is in receipt of several communications which will be included in the hearing record at this point.

(The letters referred to follow:)

PACIFIC MARINE FISHERIES COMMISSION,
Portland, Oreg., April 2, 1965.

HON. HENRY M. JACKSON,
*U.S. Senate, Senate Office Building,
Washington, D.C.*

MY DEAR SENATOR: Thanks for the four copies of your bill, S. 1229, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water projects, etc., and also for the eight copies of the Bureau of the Budget's draft of the bill and the Bureau's transmittal to you.

I do not feel capable of commenting in detail on this bill. I read the Bureau of the Budget's draft first and then your bill. I think your bill is an improvement over the one drafted by the Bureau. The Bureau must have sensed that its draft was hard to comprehend as evidenced by its section-by-section analysis appended to the draft. However, I am sending you some of my comments to let you know how people involved in protecting recreation, fish and wildlife in the Pacific States view the activities of the Federal bureaucracies and their multiple-purpose water projects.

Mitigation and enhancement should not be confused. Many of our waters have the potential, as we become more expert in the management of our fisheries, to have their stocks of fishes restored to more nearly their original abundance. Funds for such restoration are not funds for enhancement; they are funds for mitigation. In general, each water usage project not only adversely affects present fish populations but also makes the rebuilding of former populations more difficult and even impossible in some instances. Why should the State pay at least 50 percent toward a restoration project that has been made increasingly difficult by a Federal agency?

Section 2 of the bill mentions multipurpose projects. Multipurpose projects are compromises. The project is an attempt to supply something for everybody to insure maximum approval and minimum opposition. Such projects are never the best anything (best flood control, best hydroelectric project, etc.) except, possibly, the best compromise. Recreation based on fishing, hunting, and camping should not be substituted for water skiing, tours to dams, and through power-plants, etc.

Section 2(b) mentions user fees. There is danger of the public getting "fee'd" to death. There are State hunting and fishing licenses, fees for using State facilities, plus the \$7 annual fee inaugurated by the Bureau of Outdoor Recreation.

Section 6: Without intimate knowledge of the other acts referred to, one cannot evaluate the effects of this section. Reference to the Bureau of the Budget's section-by-section analysis prompts me to say that the sentence beginning on page 3 of the analysis should be made to read: "Subsection 6(a) provides that the views of the Secretary of the Interior, developed in accordance with the organic act of the Bureau of Outdoor Recreation and the Fish and Wildlife Service, shall be included in each project report.

Page 8, lines 4-14: Since mitigation for waterfowl needs to be so carefully spelled out, why not do the same for fish?

Page 10, line 6: This line should be amended to read: "to allocate water and reservoir capacity to recreation, fish and wildlife."

In closing, I add the following remarks about water usage projects: Benefits to fish are very infrequent; a maximum of 50 percent contribution by the Federal Government for enhancement of recreation, fish and wildlife seems a little miserly; and every time recreation is mentioned, specific mention should also be made of fish and wildlife instead of being lumped in or omitted from the broad spectrum of recreation.

I plan to attend the North American Fisheries Conference in Washington, D.C., from May 1 to 5, inclusive. I'll telephone your office; perhaps if you are not too busy, we can find time for a short get-together.

Sincerely,

LEON A. VERHOEVEN, *Executive Director.*

ASSOCIATION OF AMERICAN RAILROADS,
Washington, D.C., March 19, 1965.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR JACKSON: This is to express the views of the Association of American Railroads (AAR) (a voluntary unincorporated association including in its membership class I railroads operating more than 98.5 percent of the total class I railroad mileage in the U.S. and having more than 99 percent of the total class I operating revenues) with respect to S. 1229 to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

The AAR recognizes the importance of developing recreational areas throughout the country and the need to enhance the Nation's fish and wildlife resources and to encourage their preservation.

There is one important aspect of the bill, however, to which the railroads are opposed. This is the provision, specifically section 2(a), which would make it possible for a navigation project to be justified as economically sound by evaluating recreation or fish and wildlife benefits and assigning to them certain costs, particularly joint costs as contemplated by section 2(a)(3), that otherwise would be assigned to navigation. In this way a navigation facility, which is not economically justified standing alone in terms of transportation benefits and costs, could show a favorable benefit-to-cost ratio and be approved for construction. Where a navigation facility byproduct is the creation of recreation or fish and wildlife benefits it would perhaps be appropriate to consider those benefits to the extent they tend to increase the value of the basic facility which itself has benefits at least equal to its costs but it is clearly inappropriate to attempt to place a specific monetary value upon those benefits

and use them to make up for a basic economic deficiency in the navigation project.

The railroads now provide general transportation service to all shippers and commodities in all areas including those that would be provided with partial service by the use of any newly constructed navigation facilities. Continued rail service is important to these areas. Its economic transportation service should not be faced with harmful and unnecessary competition from water services using navigation facilities which are basically unjustified and uneconomic. The construction of uneconomic navigation facilities does not contribute toward efficient transportation services but instead become a blight against them. Their construction seriously detracts from the ability of the railroads to provide the general transportation service which is essential.

A navigation facility is a transportation facility. An uneconomic navigation facility, regardless of any recreation or fish and wildlife benefits, will always be a poor transportation investment and thus a continuing drain upon the Nation's economy. No transportation facility should be approved if it is not economically justified on its own merit in terms of its transportation aspects.

Accordingly, it is urged that S. 1229 not be enacted unless it is amended to make it clear that a navigation facility, even though a part of a multiple-purpose project, will not be approved for construction unless its economic value in terms of transportation benefits would at least exceed the total cost of providing such transportation.

It is respectfully requested that this letter be made a part of the record of hearings on this proposed legislation.

Very truly yours,

GREGORY S. PRINCE.

STATEMENT OF E. MICHAEL CASSADY, EXECUTIVE ASSISTANT, MISSISSIPPI VALLEY ASSOCIATION

Mr. Chairman, the following language was adopted in the platform of our association at the annual meeting in St. Louis, February 7, 1965. The language was unanimously approved. Approximately 2,000 people were in attendance.

"The inadequacy of present recreational facilities to meet the demands of the vacationing public requires accelerated programs for recreational facilities on all reservoirs. Recreational benefits are and should be an important consideration in the justification of water resource development projects. Since recreational facilities attract users from a wide area, their cost should be Federal rather than local.

"We oppose the formula relating to the reimbursability of recreational benefits on Federal reservoirs as set forth in H.R. 52 and we oppose the imposition of this formula as an administrative decree. The imposition of such a formula will halt the development of badly needed multiple-purpose water resource projects to the detriment of both the local and national well-being."

Since that time, S. 1229 has been drafted and introduced, as has its companion bill in the House of Representatives, H.R. 5269. We feel this is a very definite improvement over the formula included in H.R. 52. The officers of the Mississippi Valley Association with whom I have had the opportunity to discuss this legislation have generally had the same opinion—that the intent of the proposed legislation is good and there should be a unified policy in respect to cost sharing on certain recreational and fish and wildlife benefits in federally constructed reservoirs. It is our feeling that minimum recreational facilities such as those which have been furnished for Federal reservoirs in the past should continue to be nonreimbursable. Unless a policy of this type is applied, it places projects which have not yet been authorized in the position of being penalized.

We feel this legislation should only be applied to any recreational benefits which are added over and above the minimum type which have been furnished on a nonreimbursable basis in the past.

SPORT FISHING INSTITUTE,
Washington, D.C., March 3, 1965.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
Senate Office Building, Washington, D.C.

DEAR SENATOR JACKSON: The Sport Fishing Institute wishes to go on record in support of the proposed legislation, S. 1229, to establish a Federal Water Projects Recreation Act. We see a direct relationship here with the need, so well stressed by the Outdoor Recreation Resources Review Commission, to provide increased outdoor recreation opportunities for the increasing numbers of outdoor-oriented Americans.

We believe, therefore, that full consideration must be given to fish and wildlife enhancement in the early investigation, planning, construction, operation, and maintenance of Federal navigation, flood control, reclamation, hydroelectric, and multiple-purpose water resource projects. In addition, then, we regard encouragement of non-Federal public agencies to administer project land and water areas for fish and wildlife oriented recreation, jointly with other purposes, as desirable and necessary to that end.

A point-by-point analysis of this proposed legislation suggests a need to adopt two minor amendments designed to strengthen the bill's objectives, viz:

(1) Re section 3(b), we urge that it be modified to read as follows: "In the absence of an indication of intent as specified in subsection 2(a), lands *shall* be provided in connection with project construction * * *" We feel that it should be made mandatory that lands be preserved for a 10-year period, during which time a non-Federal public agency will be assured adequate opportunity to demonstrate its "intent" to provide facilities and manage such an area for maximum recreational use. This would reserve contiguous reservoir lands for recreational development at a later date, when a non-Federal agency may be in a better position to participate.

(2) We recommend that a protective clause for the funds involved be added so that they may not be diverted to other uses within the non-Federal political subdivisions. This has proved of considerable value in the administration of the Dingell-Johnson and Pittman-Robertson moneys provided to the States for the restoration of fish and wildlife, respectively.

We will appreciate it if you will make this letter a part of the written record of testimony favoring S. 1229.

Sincerely,

PHILIP A. DOUGLAS, *Executive Secretary.*

GRANTS PASS, OREG., April 1, 1965.

Senator WAYNE MORSE,
Senate Office Building, Washington, D.C.:

Unable to determine application to fish enhancement benefits accruing to anadromous fish. Believe following points should be considered re application to anadromous fishery. Commercial fishery from Oregon streams is harvested off of the Pacific States, Canada, Alaska, and by the Russians and Japanese. Oregon streams sports fishery is harvested over many hundreds of miles of coastal streams, not only by Oregon residents but by residents of other States and other nationalities. In 1964 over 27,000 seasonal nonresident licenses issued and over 100,000 1-day nonresident anglers licenses issued. In either case anadromous commercial fishery or anadromous sports fishery collection of users fees would appear most difficult. Finding a non-Federal Oregon agency to agree to make reimbursement of cost associated with benefits accruing to a resource which is both international and interstate in scope does not appear within realm of practicality. In my opinion any enhancement benefits running to salmon and steelhead should remain nonreimbursable.

BEN HILTON.

Senator GRUENING. We will stand adjourned until the call of the Chair.

(Whereupon, at 12:45 p.m., the committee adjourned, subject to call of the Chair.)

LEGISLATIVE HISTORY

Public Law 89-72
S. 1229

TABLE OF CONTENTS

Index and summary of S. 12291
Digest of Public Law 89-72.2

INDEX AND SUMMARY OF S. 1229

- Feb. 19, 1965 Sen. Jackson introduced and discussed S. 1229 which was referred to the Senate Interior and Insular Affairs Committee. Print of bill and remarks of author.
- Feb. 23, 1965 Rep. Aspinall introduced H. R. 5269 which was referred to the House Interior and Insular Affairs Committee. Print of bill.
- Mar. 9, 1965 Sen. Jackson announced that hearings would be held on S. 1229.
- Mar. 18, 1965 House subcommittee voted to report H. R. 5269.
- Apr. 1, 1965 Senate committee voted to report S. 1229 with amendments.
- House committee voted to report H. R. 5269 with amendment.
- Apr. 7, 1965 Senate committee reported S. 1229 with amendments. S. Report No. 149. Print of bill and report.
- Apr. 13, 1965 Senate passed S. 1229 as reported.
- Apr. 14, 1965 S. 1229 was referred to the House Interior and Insular Affairs Committee. Print of bill.
- Apr. 27, 1965 House committee reported H. R. 5269 with amendment. H. Report No. 254. Print of bill and report.
- May 11, 1965 House Rules Committee reported a resolution for consideration of H. R. 5269. H. Res. 380, H. Report No. 339. Print of resolution and report.
- May 18, 1965 House passed S. 1229 with amendment (in lieu of H. R. 5269).
- H. R. 5269 laid on the table due to passage of S. 1229.
- May 19, 1965 Rep. Grabowski spoke in support of H. R. 5269.
- May 20, 1965 Senate conferees were appointed on S. 1229.
- May 27, 1965 House conferees were appointed on S. 1229.

INDEX AND SUMMARY OF S. 1229, continued

June 14, 1965	Conferees agreed to file a report on S. 1229.
June 22, 1965	House received conference report on S. 1229. H. Report No. 538. Print of report.
June 23, 1965	House agreed to the conference report.
June 25, 1965	Senate agreed to conference report.
July 9, 1965	Approved: Public Law 89-72.

DIGEST OF PUBLIC LAW 89-72

FEDERAL WATER PROJECT RECREATION ACT.

Provides for full consideration being given outdoor recreation opportunities, including fish and wildlife, in the planning and evaluation of Federal water resource projects; for the coordination of recreational use with existing and planned Federal, State or local public recreation developments; and except where Federal administration is appropriate, for encouraging non-Federal public bodies to assume responsibility for administration, including operation, maintenance, and replacement. Provides that where non-Federal public bodies agree to bear at least one-half of the separable costs and assume responsibility for administration, all joint costs allocated to recreation shall be non-reimbursable. Authorizes the Secretary of the Interior to include provision for recreation use in water-resource development projects under his control, and to enter into agreements with other agencies for the administration of project lands and facilities.

89TH CONGRESS
1ST SESSION

S. 1229

IN THE SENATE OF THE UNITED STATES

FEBRUARY 19, 1965

Mr. JACKSON (by request) introduced the following bill; which was read twice
and referred to the Committee on Interior and Insular Affairs

A BILL

To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That it is the policy of the Congress and the intent of this
4 Act that (a) full consideration shall be given to outdoor
5 recreation opportunities and fish and wildlife enhancement
6 where these can be provided or enhanced in the investiga-
7 tion, planning, construction, operation, and maintenance of
8 Federal navigation, flood control, reclamation, hydroelectric

1 and multiple-purpose water resource projects; (b) planning
2 with respect to the development of the recreation potential
3 of any such project shall be based on the coordination of the
4 recreational use of the project area with the use of existing
5 and planned Federal, State, or local public recreation de-
6 velopments; and (c) project construction agencies shall
7 encourage non-Federal public bodies to administer project
8 land and water areas for recreation and fish and wildlife
9 enhancement purposes and operate, maintain, and replace
10 facilities provided for those purposes unless such areas or
11 facilities are authorized by law for inclusion within a na-
12 tional recreation area, or are appropriate for administration
13 by a Federal agency as a part of the national forest system,
14 as a part of the public lands classified for retention in Federal
15 ownership, or in connection with an authorized Federal pro-
16 gram for the conservation and development of fish and
17 wildlife.

18 SEC. 2. (a) If, before authorization of a project, non-
19 Federal public bodies indicate their intent in writing to agree
20 to administer project land and water areas for recreation and
21 fish and wildlife enhancement pursuant to a plan of develop-
22 ment and to bear not less than one-half the separable costs
23 of the project allocated to recreation and fish and wildlife
24 enhancement and all the costs of operation, maintenance and
25 replacement of recreation and fish and wildlife enhancement

1 lands and facilities: (1) the benefits of the project to recre-
2 ation and fish and wildlife enhancement shall be taken into
3 account in determining the economic benefits of the project;
4 (2) costs shall be allocated to the purposes of recreation and
5 fish and wildlife enhancement and to other purposes in a
6 manner which will insure that all project purposes share
7 equitably in the advantages of multiple-purpose construc-
8 tion: *Provided*, That the costs allocated to recreation or fish
9 and wildlife enhancement shall not exceed the lesser of the
10 benefits from those functions or the costs of providing rec-
11 reation or fish and wildlife enhancement benefits of reason-
12 ably equivalent use and location by the least costly alterna-
13 tive means; and (3) not more than one-half the separable
14 costs and all the joint costs of the project allocated to recre-
15 ation and fish and wildlife enhancement shall be borne by
16 the United States and be nonreimbursable. Projects au-
17 thorized before January 1, 1966, may include recreation and
18 fish and wildlife enhancement on the foregoing basis without
19 the required indication of intent. Execution of an agreement
20 as aforesaid shall be a prerequisite to commencement of con-
21 struction of projects authorized pursuant to this section.

22 (b) The non-Federal share of the separable costs of the
23 project allocated to recreation and fish and wildlife enhance-
24 ment shall be borne by non-Federal interests, under either
25 or both of the following methods as may be determined

1 appropriate by the head of the Federal agency having juris-
2 diction over the project: (1) payment, or provision of lands,
3 interests therein, or facilities for the project; or (2) repay-
4 ment, with interest at a rate comparable to that for other
5 interest-bearing functions of Federal water resource projects,
6 within fifty years of first use of project recreation or fish and
7 wildlife enhancement facilities: *Provided*, That the source of
8 repayment may be limited to entrance and user fees or charges
9 collected at the project by non-Federal interests if the fee
10 schedule and the portion of fees dedicated to repayment are
11 established on a basis calculated to achieve repayment as
12 aforesaid and if the fee schedule and the portion of fees dedi-
13 cated to repayment are made subject to review and renegotia-
14 tion at intervals of not more than five years.

15 SEC. 3. (a) In the absence of an indication of intent as
16 specified in subsection 2 (a) , facilities or project modifications
17 shall not be provided expressly for recreation and fish and
18 wildlife enhancement; minimum facilities for the public health
19 and safety may be provided at access points provided by roads
20 existing at the time of project construction and roads con-
21 structed for the administration and management of the proj-
22 ect. For projects authorized pursuant to section 3 hereof,
23 the recreation and fish and wildlife enhancement benefits
24 shall be limited to the number of visitor days and the value
25 per visitor day which would take place on the basis of the

1 provision of minimum facilities for public health and safety,
2 and excluding any additional land which may be acquired
3 expressly to provide for subsequent recreation or fish and
4 wildlife enhancement development as provided under subsec-
5 tion 3 (b) ; for projects authorized pursuant to this subsection,
6 all costs allocated to recreation and fish and wildlife enhance-
7 ment shall be nonreimbursable.

8 (b) In the absence of an indication of intent as specified
9 in subsection 2 (a) , lands may be provided in connection with
10 project construction to preserve the recreation and fish and
11 wildlife enhancement potential of the project—

12 (1) if non-Federal public bodies execute an agree-
13 ment within ten years after initial operation of the project
14 which agreement shall provide that the non-Federal
15 public bodies will administer project land and water
16 areas for recreation and fish and wildlife enhancement
17 pursuant to a plan of development and will bear not
18 less than one-half the cost of lands, facilities, and project
19 modifications provided for those purposes and all costs
20 of operation, maintenance, and replacement of recreation
21 and fish and wildlife enhancement facilities, not more
22 than one-half the costs of lands, facilities, and project
23 modifications provided pursuant to paragraph (1) of
24 this subsection may be borne by the United States and

1 such costs shall be nonreimbursable. Such agreement
2 and subsequent development shall not be the basis for
3 any reallocation of joint costs of the project to recrea-
4 tion or fish and wildlife enhancement.

5 (2) if, within ten years after initial operation of
6 the project, there is not an executed agreement as speci-
7 fied in paragraph (1) of subsection 3 (b), the head of
8 the agency having jurisdiction over the project may
9 convey the possession and control of any lands provided
10 pursuant to subsection 3 (b) by deed, lease, or other-
11 wise, to any Federal agency, or to any person or non-
12 Federal body, for the purpose of recreation, fish and
13 wildlife enhancement, or use as a summer residence, or
14 for the operation on such lands of pleasure resorts for
15 boating, fishing, or any similar purpose, or for any other
16 purpose which would not conflict with the purposes for
17 which the project was constructed: *Provided*, That no
18 transfer authorized herein, except transfer by conveyance
19 at full market value under the then existing conditions,
20 shall be made without approval of the President of the
21 United States.

22 SEC. 4. At projects, the construction of which has com-
23 menced or been completed as of the effective date of this
24 Act, where non-Federal public bodies agree to administer
25 project land and water areas for recreation and fish and

1 wildlife enhancement purposes and to bear the costs of
2 operation, maintenance, and replacement of existing facilities
3 serving those purposes, such facilities and appropriate proj-
4 ect lands may be transferred to the non-Federal public
5 bodies at no cost.

6 SEC. 5. Nothing herein shall be construed as preventing
7 or discouraging postauthorization development of any proj-
8 ect for recreation and fish and wildlife enhancement by non-
9 Federal public bodies pursuant to agreement with the head
10 of the Federal agency having jurisdiction over the project.
11 Such development shall not be the basis for any allocation
12 or reallocation of project costs to recreation or fish and
13 wildlife enhancement.

14 SEC. 6. (a) The views of the Secretary of the Interior
15 developed in accordance with section 3 of the Act of May
16 28, 1963 (77 Stat. 49), with respect to the outdoor
17 recreation aspects shall be set forth in any report on any
18 project or appropriate unit thereof within the purview of
19 this Act. Such views shall include a report on the extent
20 to which the proposed recreation and fish and wildlife de-
21 velopment conforms to and is in accord with the State
22 comprehensive plan developed pursuant to subsection 5 (d)
23 of the Land and Water Conservation Fund Act of 1965 (78
24 Stat. 897).

25 (b) Nothing in this Act shall be construed as amending

1 the first proviso of subsection 2 (d) of the Act of August 12,
2 1958 (72 Stat. 563; 16 U.S.C. 662 (d)), and the second
3 proviso of subsection 2 (d) of that Act is hereby repealed.

4 (c) Expenditures for lands or interests in lands here-
5 after acquired by project construction agencies for the estab-
6 lishment of migratory waterfowl refuges recommended by
7 the Secretary of the Interior at Federal water resource proj-
8 ects, when such lands or interests in lands would not have
9 been acquired but for the establishment of a migratory water-
10 fowl refuge at the project, shall not exceed \$28,000,000:
11 *Provided*, That the aforementioned expenditure limitation in
12 this subsection shall not apply to the costs of mitigating
13 damages to migratory waterfowl caused by such water
14 resource project.

15 (d) This Act shall not apply to the Tennessee Valley
16 Authority, nor to projects constructed under authority of
17 the Small Reclamation Projects Act, as amended, or under
18 authority of the Watershed Protection and Flood Prevention
19 Act, as amended.

20 (e) Sections 2, 3, 4, and 5 of this Act shall not apply
21 to nonreservoir local flood control projects, beach erosion
22 control projects, small boat harbor projects, hurricane pro-
23 tection projects, or to project areas or facilities authorized by
24 law for inclusion within a national recreation area or appro-
25 priate for administration by a Federal agency as a part of the

1 national forest system, as a part of the public lands classified
2 for retention in Federal ownership, or in connection with an
3 authorized Federal program for the conservation and devel-
4 opment of fish and wildlife.

5 (f) As used in this Act, the term "nonreimbursable"
6 shall not be construed to prohibit the imposition of entrance,
7 admission, and other recreation user fees or charges.

8 (g) Subsection 6(a)(2) of the Land and Water
9 Conservation Fund Act of 1965 (78 Stat. 897) shall not
10 apply to costs allocated to recreation and fish and wildlife
11 enhancement which are borne by the United States as a
12 nonreimbursable project cost pursuant to subsection 2(a)
13 or subsection 3(b)(1) of this Act.

14 (h) All payments and repayment by non-Federal pub-
15 lic bodies under the provisions of this Act, and revenue from
16 the conveyance by deed, lease, or otherwise, of lands under
17 subsection 3(b)(2) of this Act, shall be deposited in the
18 Treasury as miscellaneous receipts.

19 SEC. 7. (a) The Secretary of the Interior is authorized
20 as a part of any water resource development project under
21 his control heretofore or hereafter authorized or reauthorized,
22 except projects or areas within national wildlife refuges, to
23 investigate, plan, construct, operate, and maintain or other-
24 wise provide for public outdoor recreation facilities, to ac-
25 quire or otherwise to include within the project area such

1 adjacent lands or interests therein as are necessary for pres-
2 ent or future public recreation use, to provide for the public
3 use and enjoyment of project lands, facilities, and water
4 areas in a manner coordinated with the other project pur-
5 poses, and at projects hereafter authorized or reauthorized,
6 to allocate water and reservoir capacity to recreation.
7 Lands, facilities, and project modifications may be provided
8 in accordance with subsection 3 (b) , hereof, at projects here-
9 tofore authorized.

10 (b) The Secretary of the Interior is authorized to enter
11 into agreements with Federal agencies or State or local pub-
12 lic bodies for the administration of project land and water
13 areas and the operation, maintenance, and replacement of
14 facilities and to transfer project lands or facilities to Federal
15 agencies or State or local public bodies by lease, conveyance,
16 or exchange, upon such terms and conditions as will best
17 promote the development and operation of such lands or fa-
18 cilities in the public interest for recreation purposes.

19 (c) No lands under the jurisdiction of any other Federal
20 agency may be included for or devoted to recreation purposes
21 under the authority of this section without the consent of
22 the head of such agency; and the head of any such agency is
23 authorized to transfer any such lands to the jurisdiction of
24 the Secretary of the Interior for purposes of this section.
25 The Secretary of the Interior is authorized to transfer juris-

1 diction over project lands within or adjacent to the exterior
2 boundaries of national forests and facilities thereon to the
3 Secretary of Agriculture for recreation and other national
4 forest system purposes; and such transfer shall be made in
5 each case in which the project reservoir area is located
6 wholly within the exterior boundaries of a national forest
7 unless the Secretaries of Agriculture and Interior jointly
8 determine otherwise. Where any project lands are trans-
9 ferred hereunder to the jurisdiction of the Secretary of Agri-
10 culture, the lands involved shall become national forest lands:
11 *Provided*, That the lands and waters within the flow lines of
12 any reservoir or otherwise needed or used for the operation
13 of the project for other purposes shall continue to be adminis-
14 tered by the Secretary of the Interior to the extent he deter-
15 mines to be necessary for such operation. Nothing herein
16 shall limit the authority of the Secretary of the Interior
17 granted by existing provisions of law relating to recreation
18 development of water resource projects or to disposition of
19 public lands for recreational purposes.

20 SEC. 8. As used in this Act—

21 (a) The term “project” shall mean a project or any
22 appropriate unit thereof.

23 (b) The term “cost” shall mean the value of goods and
24 services (land, labor and supplies) used for the establish-
25 ment, maintenance and operation of the project.

1 (c) The term "separable costs" shall mean the cost for
2 each project purpose which is the difference between the cost
3 of the multiple-purpose project and the cost of the project
4 with the purpose omitted.

5 (d) The term "joint costs" shall mean the difference
6 between the cost of the multiple-purpose project as a whole
7 and the total of the separable costs for all project purposes.

8 SEC. 9. This Act may be cited as the "Federal Water
9 Project Recreation Act".

A BILL

To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

By Mr. JACKSON

FEBRUARY 19, 1965

Read twice and referred to the Committee on Interior
and Insular Affairs

tribution to our continuing effort to reduce and eliminate our gold losses and maintain the strength of the dollar.

It is also important that the proposed legislation be enacted as soon as possible. While existing authority to pay a higher rate of interest does not expire until October 15, 1965, banks are now effectively precluded from entering into deposit contracts that would require the payment of higher rates of interest after that date. Thus, time deposit contracts running beyond October 15, 1965, may no longer provide for the higher rates of interest for that period which extends beyond that date. Consequently, the benefits of the law have already been impaired for longer term time deposits, and is being steadily eroded for shorter maturities; for example, after April 15, 1965, banks will no longer be able to contract to pay the higher rate beyond 6 months in the future.

Longer term deposits are of particular importance. There are important instances where foreigners who borrow dollars in the United States for projects whose costs may be distributed over years in the future are interested, if interest rates are sufficiently attractive, in investing the proceeds of their borrowings in the United States until needed. It is with respect to this type of longer term deposit that the advantages of the legislation are greatest. At the present time because of the early expiration date beyond which higher rates may not be paid, these advantages are not available.

It would be appreciated if you would lay the proposed bill before the Senate. A similar proposed bill has been transmitted to the Speaker of the House of Representatives.

There is enclosed for your convenient reference a comparative type showing the changes in existing law that would be made by the proposed bill.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

DOUGLAS DILLON.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of the fourteenth paragraph of section 19 of the Federal Reserve Act (12 U.S.C. 371b) is amended to read as follows:

"The provisions of this paragraph shall not apply to the rate of interest which may be paid by member banks on time deposits of foreign governments, monetary and financial authorities of foreign governments when acting as such, or international financial institutions of which the United States is a member."

SEC. 2. The last sentence of subsection (g) of section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

"The provisions of this subsection shall not apply to the rate of interest which may be paid by insured nonmember banks on time deposits of foreign governments, monetary and financial authorities of foreign governments when acting as such, or international financial institutions of which the United States is a member."

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY BILL

(Existing law proposed to be omitted is enclosed in brackets; new matter italic)

SECTION 18 (g) OF THE FEDERAL DEPOSIT INSURANCE ACT (12 U.S.C. 1828 (g))

Section 18 (g). The Board of Directors shall by regulation prohibit the payment of interest on demand deposits in insured nonmember banks and for such purposes it may

define the term "demand deposits"; but such exceptions from this prohibition shall be made as are now or may hereafter be prescribed with respect to deposits payable on demand in member banks by section 19 of the Federal Reserve Act, as amended, or by regulation of the Board of Governors of the Federal Reserve System. The Board of Directors shall from time to time limit by regulation the rates of interest or dividends which may be paid by insured nonmember banks on time and savings deposits, but such regulations shall be consistent with the contractual obligations of such banks to their depositors. For the purpose of fixing such rates of interest or dividends, the Board of Directors shall by regulation prescribe different rates for such payment on time and savings deposits having different maturities, or subject to different conditions respecting withdrawal or repayment, or subject to different conditions by reason of different locations, or according to the varying discount rates of member banks in the several Federal Reserve districts. The Board of Directors shall by regulation define what constitutes time and savings deposits in an insured nonmember bank. Such regulations shall prohibit any insured nonmember bank from paying any time deposit before its maturity except upon such conditions and in accordance with such rules and regulations as may be prescribed by the Board of Directors, and from waiving any requirement of notice before payment of any savings deposit except as to all savings deposits having the same requirement. For each violation of any provisions of this subsection or any lawful provision of such regulations relating to the payment of interest or dividends on deposits or to withdrawal of deposits, the offending bank shall be subject to a penalty of not more than \$100, which the Corporation may recover for its use. [During the period commencing on the effective date of this sentence and ending upon the expiration of three years after such date, the] The provisions of this subsection shall not apply to the rate of interest which may be paid by insured nonmember banks on time deposits of foreign governments, monetary and financial authorities of foreign governments when acting as such, or international financial institutions of which the United States is a member.

SECTION 19 OF THE FEDERAL RESERVE ACT (12 U.S.C. 371b)

SEC. 19. The Board of Governors of the Federal Reserve System shall from time to time limit by regulation the rate of interest which may be paid by member banks on time and savings deposits, and shall prescribe different rates for such payment on time and savings deposits having different maturities, or subject to different conditions respecting withdrawal or repayment, or subject to different conditions by reason of different locations, or according to the varying discount rates of member banks in the several Federal Reserve districts. No member bank shall pay any time deposit before its maturity except upon such conditions and in accordance with such rules and regulations as may be prescribed by the said Board, or waive any requirement of notice before payment of any savings deposit except as to all savings deposits having the same requirement: *Provided*, That the provisions of this paragraph shall not apply to any deposit which is payable only at an office of a member bank located outside of the States of the United States and the District of Columbia. [During the period commencing on the effective date of this sentence and ending upon the expiration of three years after such date, the] The provisions of this paragraph shall not apply to the rate of interest which may be paid by member banks on time deposits

of foreign governments, monetary and financial authorities of foreign governments when acting as such, or international financial institutions of which the United States is a member.

REVISION OF FEES PAYABLE TO COMMISSIONER OF PATENTS

Mr. TYDINGS. Mr. President, I introduce, for appropriate reference, a bill to revise the schedule of fees payable to the Commissioner of Patents in connection with patent and trademark matters.

This bill is endorsed both by the American Bar Association and the American Patent Law Association. Its objective is substantially to increase the revenue of the Patent Office to the point where a reasonable proportion of the costs of operation of that office will be paid by those who directly employ its services. A further purpose of the bill is to obtain the desired increased revenue immediately, without causing material changes in the patent system, pending the study of that system now being undertaken by the Patents, Trademarks, and Copyrights Subcommittee of the Judiciary Committee, under the able leadership of Senator McCLELLAN. Further, the bill is intended to provide this added revenue with as little administrative complexity and expense as possible.

The most striking difference between this bill and the bill drafted by the Patent Office and introduced at administration request by Senator McCLELLAN, S. 730, is that this bill would avoid the adoption of the controversial maintenance fee system by which the lives of the majority of U.S. patents would be materially shortened. Moreover, since this bill would not depend upon collection of maintenance fees a number of years hence, it would produce more revenue immediately.

I do not purport to be an expert in patent matters, and do not now take sides between the proponents of the maintenance fee system and the proponents of the fixed fee system. My investigation of this matter convinces me, however, that this bill has the support of a significant segment of our patent bar. It should, in my judgment, be considered along with the administration proposal embodied in S. 730.

I would hope that this bill would receive consideration, along with the bill introduced by the Senator from Arkansas [Mr. McCLELLAN] at the hearings recently announced by Senator McCLELLAN's subcommittee for March 3.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 1228) to fix certain fees payable to the Patent Office, and for other purposes, introduced by Mr. TYDINGS, by request, was received, read twice by its title, and referred to the Committee on the Judiciary.

UNIFORM POLICIES WITH RESPECT TO RECREATION AND FISH AND WILDLIFE BENEFITS

Mr. JACKSON. Mr. President, I introduce, by request, a bill which has been

submitted and recommended to the Congress by the Bureau of the Budget to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

This is a subject which has been receiving extensive consideration by both the executive and legislative branches of our Government for quite some time. It is now apparent that all of the Federal executive agencies have agreed on a formula, and it is at the request of the President's Director of the Bureau of the Budget that I am submitting a draft of their bill.

I ask unanimous consent that the bill be printed at this point in the RECORD, together with a section-by-section analysis.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and section-by-section analysis will be printed in the RECORD.

The bill (S. 1229) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control, introduced by Mr. JACKSON, by request, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress and the intent of this Act that (a) full consideration shall be given to outdoor recreation opportunities and fish and wildlife enhancement where these can be provided or enhanced in the investigation, planning, construction, operation, and maintenance of Federal navigation, flood control, reclamation, hydroelectric, and multiple-purpose water resource projects; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain and replace facilities provided for those purposes unless such areas or facilities are authorized by law for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

SEC. 2. (a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and to bear not less than one-half the separable costs of the project allocated to recreation and fish and wildlife enhancement and all the costs of operation, maintenance and replacement of recreation and fish and wildlife enhancement lands and facilities: (1) the benefits of the

project to recreation and fish and wildlife enhancement shall be taken into account in determining the economic benefits of the project; (2) costs shall be allocated to the purposes of recreation and fish and wildlife enhancement and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means; and (3) not more than one-half the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be non-reimbursable. Projects authorized before January 1, 1966, may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of projects authorized pursuant to this section.

(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within 50 years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and if the fee schedule and the portion of fees dedicated to repayment are made subject to review and renegotiation at intervals of not more than 5 years.

SEC. 3. (a) In the absence of an indication of intent as specified in subsection 2(a), facilities or project modifications shall not be provided expressly for recreation and fish and wildlife enhancement; minimum facilities for the public health and safety may be provided at access points provided by roads existing at the time of project construction and roads constructed for the administration and management of the project. For projects authorized pursuant to section 3 hereof, the recreation and fish and wildlife enhancement benefits shall be limited to the number of visitor days and the value per visitor day which would take place on the basis of the provision of minimum facilities for public health and safety, and excluding any additional land which may be acquired expressly to provide for subsequent recreation or fish and wildlife enhancement development as provided under subsection 3(b); for projects authorized pursuant to this subsection, all costs allocated to recreation and fish and wildlife enhancement shall be non-reimbursable.

(b) In the absence of an indication of intent as specified in subsection 2(a), lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project.

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project, which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of develop-

ment and will bear not less than one-half the costs of lands, facilities and project modifications provided for those purposes and all costs of operation, maintenance and replacement of recreation and fish and wildlife enhancement facilities, not more than one-half the costs of lands, facilities, and project modifications provided pursuant to paragraph (1) of this subsection may be borne by the United States and such costs shall be non-reimbursable. Such agreement and subsequent development shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of subsection 3(b), the head of the agency having jurisdiction over the project may convey the possession and control of any lands provided pursuant to subsection 3(b) by deed, lease, or otherwise, to any Federal agency, or to any person or non-Federal body, for the purpose of recreation, fish and wildlife enhancement, or use as a summer residence, or for the operation on such lands of pleasure resorts for boating, fishing, or any similar purpose, or for any other purpose which would not conflict with the purposes for which the project was constructed: *Provided*, That no transfer authorized herein, except transfer by conveyance at full market value under the then existing conditions, shall be made without approval of the President of the United States.

SEC. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the costs of operation, maintenance, and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be transferred to the non-Federal public bodies at no cost.

SEC. 5. Nothing herein shall be construed as preventing or discouraging post-authorization development of any project for recreation and fish and wildlife enhancement by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

SEC. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report on any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Act of 1965 (78 Stat. 897).

(b) Nothing in this Act shall be construed as amending the first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)), and the second proviso of subsection 2(d) of that Act is hereby repealed.

(c) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed \$28,000,000: *Provided*, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

(d) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended.

(e) Sections 2, 3, 4, and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(f) As used in this Act, the term "non-reimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(g) Subsection 6(a)(2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b)(1) of this Act.

(h) All payments and repayment by non-Federal public bodies under the provisions of this Act, and revenue from the conveyance by deed, lease or otherwise, of lands under subsection 3(b)(2) of this Act, shall be deposited in the Treasury as miscellaneous receipts.

SEC. 7. (a) The Secretary of the Interior is authorized as a part of any water resource development project under his control heretofore or hereafter authorized or reauthorized, except projects or areas within national wildlife refuges, to investigate, plan, construct, operate and maintain or otherwise provide for public outdoor recreation facilities, to acquire or otherwise to include within the project area such adjacent lands or interests therein as are necessary for present or future public recreation use, to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes, and at projects hereafter authorized or reauthorized, to allocate water and reservoir capacity to recreation. Lands, facilities and project modifications may be provided in accordance with subsection 3(b), hereof, at projects heretofore authorized.

(b) The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease, conveyance, or exchange, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes.

(c) No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation purposes under the authority of this section without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine other-

wise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation development of water resource projects or to disposition of public lands for recreational purposes.

SEC. 8. As used in this Act—

(a) The term "project" shall mean a project or any appropriate unit thereof.

(b) The term "cost" shall mean the value of goods and services (land, labor and supplies) used for the establishment, maintenance and operation of the project.

(c) The term "separable costs" shall mean the cost for each project purpose which is the difference between the cost of the multiple-purpose project and the cost of the project with the purpose omitted.

(d) The term "joint costs" shall mean the difference between the cost of the multiple-purpose project as a whole and the total of the separable costs for all project purposes.

SEC. 9. This Act may be cited as the "Federal Water Project Recreation Act".

The section-by-section analysis presented by Mr. JACKSON is as follows:

FEDERAL WATER PROJECT RECREATION ACT SECTION BY SECTION ANALYSIS

Section 1

Section 1 states congressional policy that (a) full consideration shall be given to recreation and fish and wildlife enhancement as purposes of Federal water resources projects; (b) planning with respect to recreation aspects of a project shall be coordinated with existing and planned recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to assume responsibility for management of project areas and facilities, except at those projects or project areas which are appropriate for Federal administration because of other Federal programs.

Areas which may be appropriate for Federal administration include national recreation areas, and areas which are part of the national forest system, part of the public lands classified for retention in Federal ownership, or part of lands administered under an authorized Federal program for the conservation and development of fish and wildlife. The following seven types of areas are included in this last category: wildlife refuges; wildlife ranges; game ranges; waterfowl production areas; wildlife management areas; national fish hatcheries; and areas for the protection and conservation of fish and wildlife that are rare or threatened with extinction.

As used throughout this bill, the term "non-Federal public bodies" includes such public entities as States, counties, municipalities, recreation districts or other special purpose districts with sufficient authority to participate under the provisions of this bill. The term also includes a combination of two or more of the foregoing entities.

Section 2

Subsection 2(a) provides that if non-Federal public bodies express an intent before project authorization, and execute an agreement before initiation of project construction, to administer project land and water areas for recreation and fish and wildlife enhancement and to pay or repay at least one-half the costs of providing lands, facilities and project modifications and all costs of operation, maintenance and replacement of such lands, facilities, and project modifi-

cations which are not integral parts of the Federal project, then the Federal Government will bear all joint costs allocated to recreation and fish and wildlife enhancement and up to one-half of the costs of lands, facilities and project modifications for those purposes. Project modifications include, for example, the raising of the height of a dam so as to provide increased storage capacity, or the construction of a subimpoundment in an arm of a reservoir, specifically for recreation or fish and wildlife enhancement.

It is anticipated that under the provisions of the bill the Federal construction agency will work with non-Federal public interests to develop a short and long range plan of development for recreation and fish and wildlife enhancement which should be provided at the project. For example, where there is little demand for recreation facilities, such facilities should be provided only to the extent local participation permits.

A statement of intent to participate by non-Federal public bodies is generally required by the bill if provision is to be made specifically for recreation and fish and wildlife enhancement at a project. However, it is not believed desirable to delay authorization of projects on which planning has been completed by further referral of the project report to non-Federal public bodies. Therefore, the bill provides that for projects authorized prior to January 1, 1966, an expression of intent to participate by non-Federal interests will not be required. For all projects, however, an executed agreement to participate will be required prior to initiation of project construction. If, after indicating intent to participate, non-Federal interests do not execute such an agreement, the project would be treated as though there had been no original statement of intent and would be constructed under provisions similar to those contained in section 3.

Under the provisions of subsection 2(b), non-Federal public bodies may pay or repay their share of costs of development (excluding those operation, maintenance and replacement costs which they must bear directly) under either or both of the following methods, as determined appropriate by the head of the agency having jurisdiction over the project: (1) payment, or provision of lands or facilities required by the project, or (2) repayment, within 50 years, with interest at a rate comparable to that for other interest-bearing functions of water resource projects. The source of repayment under (2) may be limited to a portion of the entrance and user fees collected at the project by non-Federal interests. The fee schedule and the percentage of the fees dedicated to repayment of the non-Federal share shall be established, and periodically reviewed, to achieve repayment in the period specified.

The latter provision allows non-Federal interests, if they so desire, to discharge their obligation to repay by charging fees to the recreation user and applying a portion of the fee toward repayment while applying the remaining portion toward their operation and maintenance costs.

Section 3

Subsection 3(a) recognizes that in some areas non-Federal interests may not want to participate in a project because they have sufficient recreation and fish and wildlife developments or because of other reasons. In such cases, water resources projects would not be held back because of the lack of non-Federal participation in recreation and fish and wildlife enhancement. In those instances, no facilities or project modifications would be provided expressly for recreation and fish and wildlife enhancement. The likelihood that a project, even without recreation facilities, may be utilized for recreation is recognized. However, it is believed that the recreation and fish and wildlife benefits would be minimal under these circumstances. Any costs allocated to recreation and fish

and wildlife enhancement under these conditions would be nonreimbursable.

Since some recreational use of a project is anticipated even without recreation facilities, the bill provides for facilities for public health and safety. These facilities would include guard rails, turn-arounds at the ends of roads, and minimum sanitary facilities. Parking, picnicking, swimming, or camping areas or facilities, or more elaborate sanitary facilities would not be provided under this subsection.

Most water resources projects provide some potential for recreation or fish and wildlife enhancement. For this reason, subsection 3(b) provides for the acquisition or provision of lands in connection with any project to preserve this recreation or fish and wildlife enhancement potential even where there is no indication of intent of non-Federal cost sharing as specified in subsection 2(a). If, within 10 years after initial operation of the project, non-Federal interests desire to develop the recreation or fish and wildlife potential and agree to bear one-half the cost of the land, facilities, and any project modification for these purposes, and all costs of operation, maintenance, and replacement, then the development of the recreation and fish and wildlife enhancement potential could be undertaken pursuant to a plan of development. The Federal Government would bear up to one-half the costs of the land, facilities, and project modifications for those purposes. If such an agreement is not obtained, the construction agency would be authorized to dispose of the land by sale, lease, or in some other manner, to any person or non-Federal body after determining that such land is not required by another Federal agency. Disposal may be made for recreation, fish and wildlife enhancement, or for any other purpose as long as such use does not conflict with the purposes for which the project was constructed.

Section 4

To encourage non-Federal administration of the recreation and fish and wildlife enhancement features at existing Federal water resources projects (completed or under construction), the bill would authorize Federal water resource agencies to transfer recreation and fish and wildlife enhancement facilities, and appropriate project lands, at no cost to non-Federal public bodies if they agree to administer the facilities and to bear the costs of operation, maintenance, and replacement of such lands and facilities.

Section 5

Section 5 makes it clear that incremental or subsequent development of recreation and fish and wildlife enhancement at any project shall not be discouraged. Other programs, as under the Land and Water Conservation Fund Act of 1965, could be used to develop recreation at projects that are not developed in accordance with other provisions of this bill. Development under such conditions will not, however, provide a basis for allocation or reallocation of any project costs to recreation and fish and wildlife enhancement.

Section 6

Subsection 6(a) provides that the views of the Secretary of the Interior, developed in accordance with the organic act of the Bureau of Outdoor Recreation, shall be included in each project report. The Secretary's report would indicate the extent to which the proposed project is in accord with the State comprehensive recreation plan developed pursuant to the Land and Water Conservation Act of 1965.

Subsection 6(b) confirms the limitations of the first proviso of subsection 2(d) of the Fish and Wildlife Coordination Act (72 Stat. 563; 16 U.S.C. 622(d)) with respect to measures for the enhancement of fish and wildlife properly includible in a Federal water

resource project; it repeals the second proviso of that subsection of the Fish and Wildlife Coordination Act, which applies to projects constructed under reclamation law. The effect of the repeal of the second proviso is twofold: first, it will result in the costs of mitigation of project-occasioned damage to fish and wildlife being distributed among all project purposes the same as any other project cost; and, second, it will terminate the reimbursement policy for costs allocated to fish and wildlife enhancement now set out in the Fish and Wildlife Coordination Act so that the reimbursement policy established by this bill may take effect.

Subsection 6(c) places a limitation of \$28 million on water resource project funds that may be expended for land acquisition to accomplish the Federal Government's obligations to conserve and protect migratory waterfowl. These expenditures are in addition to those made from the migratory bird conservation fund for migratory waterfowl refuges. The \$28 million limitation applies only to expenditures for acquisition of lands or interests in lands which would otherwise not be acquired, when they are acquired at a water resource project for incorporation into a migratory waterfowl refuge. The limitation specifically does not apply to expenditures for the mitigation of damages to migratory waterfowl, since that is properly a project cost to be allocated to project purposes in the same manner as any other project cost.

Subsection 6(d) provides that the bill shall not apply to the Tennessee Valley Authority, nor to projects constructed under the authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended. It is believed that cost sharing and reimbursement requirements for recreation and fish and wildlife enhancement at small reclamation projects should be considered in relation to such requirements as now exist at watershed protection projects.

The Tennessee Valley Authority believes it has adequate authority to plan for, evaluate benefits from, and allocate costs to recreation and fish and wildlife enhancement in connection with multiple-purpose projects. TVA believes that the bill contains language which is inappropriate for TVA, for example, the requirement that the views of the Secretary of the Interior be included in any report concerning a project within the bill's purview. While TVA consults and cooperates with other Federal agencies, TVA believes it must as a unified development agency take full responsibility for all phases of projects which it plans and constructs. This was recognized in TVA's exemption from the Fish and Wildlife Coordination Act. Furthermore, the general policy of the Tennessee Valley Authority is not to provide recreation facilities at Federal cost but to transfer lands adjacent to reservoirs to non-Federal bodies for recreation development and management. The TVA has been quite successful in this policy.

Subsection 6(e) provides that such projects as local nonreservoir flood control, beach erosion control, small boat harbor, and hurricane protection projects shall be excluded from the cost sharing and reimbursement provisions of the bill because existing policies cover these projects. Cost sharing shall not be required for project areas that are appropriate for Federal administration.

Subsection 6(f) states that the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

Subsection 6(g) provides that the provision of the Land and Water Conservation Fund Act of 1965 which calls for the use of the fund to help offset the capital costs of recreation at Federal projects shall not be applied to projects at which non-Federal interests execute an agreement to share de-

velopment costs and to bear the costs of operation and maintenance. The reason for this provision is that Federal recreation fees will not be charged at these projects. The offset provision would apply, however, to the capital costs of projects where non-Federal interests do not assume responsibility for the administration of project areas for recreation.

Subsection 6(h) provides that all moneys received (payments, repayments, or revenue from conveyance of land) under the terms of this bill shall be deposited in the miscellaneous receipts of the Treasury.

Section 7

The purpose of section 7 is to provide the Secretary of the Interior with authority similar to that already available to the Secretary of the Army. Since 1944 the Department of the Army has had basic statutory authority to provide recreation development at reservoir projects under its control; in 1962 this authority was expanded to embrace water resource development projects generally (section 4 of the act of December 22, 1944, as amended; 16 U.S.C. 460(d)). On the other hand, only piecemeal authority exists for certain individual projects under the control of the Department of the Interior. A notable example of this project-by-project approach is section 8 of the Colorado River Storage Project Act of 1956 (70 Stat. 105; 43 U.S.C. 620(g)). Enactment of the proposed legislation will fill in the statutory gaps and permit the realization of potential returns on recreation resources created by public investment in the development of water resource projects of the Department of the Interior.

Subsection 7(a) provides that the Secretary of the Interior may plan, construct, operate and maintain, or otherwise provide for public outdoor recreation facilities, and acquire land for such purpose, at any existing or hereafter authorized or reauthorized project. In addition, at projects hereafter authorized or reauthorized, he may also allocate water and reservoir capacity to recreation. Lands, facilities and project modifications may be provided at existing projects only if non-Federal public bodies agree to administer the project lands and water areas for recreation and to bear costs in accordance with section 2.

Subsection 7(b) authorizes the Secretary of the Interior to transfer to other Federal agencies or State or local bodies, project lands and facilities for operation and maintenance for recreation purposes.

Subsection 7(c) provides that, with the consent of the Federal agency having jurisdiction over lands required for recreation purposes at any project, such Federal agency is authorized to transfer lands so required to the Secretary of the Interior. The latter is also authorized to transfer to the Secretary of Agriculture project lands and facilities for recreation purposes when such project lands are adjacent to or within national forests, and such transfer shall be made, unless the Secretaries jointly agree otherwise, when the project is wholly within the exterior boundaries of a national forest. Any lands so transferred shall become national forest lands, but to the extent required for operation of the project for purposes other than recreation, the lands shall be administered by the Secretary of the Interior.

Sections 8 and 9

Section 8 defines terms used in the bill.

Section 9 provides that the bill may be cited as the "Federal Water Project Recreation Act."

FREEDOM COMMISSION ACT

Mr. MUNDT. Mr. President, I reintroduce today, on behalf of myself and 10 other Senators, a bill well suited to

89TH CONGRESS
1ST SESSION

H. R. 5269

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1965

Mr. ASPINALL introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That it is the policy of the Congress and the intent of this
4 Act that (a) full consideration shall be given to outdoor
5 recreation opportunities and fish and wildlife enhancement
6 where these can be provided or enhanced in the investiga-
7 tion, planning, construction, operation, and maintenance of
8 Federal navigation, flood control, reclamation, hydroelectric,

1 and multiple-purpose water resource projects; (b) planning
2 with respect to the development of the recreation potential
3 of any such project shall be based on the coordination of the
4 recreational use of the project area with the use of existing
5 and planned Federal, State, or local public recreation devel-
6 opments; and (c) project construction agencies shall encour-
7 age non-Federal public bodies to administer project land and
8 water areas for recreation and fish and wildlife enhancement
9 purposes and operate, maintain and replace facilities pro-
10 vided for those purposes unless such areas or facilities are
11 authorized by law for inclusion within a national recreation
12 area, or are appropriate for administration by a Federal
13 agency as a part of the national forest system, as a part of the
14 public lands classified for retention in Federal ownership,
15 or in connection with an authorized Federal program for
16 the conservation and development of fish and wildlife.

17 SEC. 2. (a) If, before authorization of a project, non-
18 Federal public bodies indicate their intent in writing to
19 agree to administer project land and water areas for recrea-
20 tion and fish and wildlife enhancement pursuant to a plan
21 of development and to bear not less than one-half the
22 separable costs of the project allocated to recreation and fish
23 and wildlife enhancement and all the costs of operation,
24 maintenance and replacement of recreation and fish and wild-
25 life enhancement lands and facilities: (1) the benefits of the

1 project to recreation and fish and wildlife enhancement shall
2 be taken into account in determining the economic benefits
3 of the project; (2) costs shall be allocated to the purposes
4 of recreation and fish and wildlife enhancement and to other
5 purposes in a manner which will insure that all project
6 purposes share equitably in the advantages of multiple-
7 purpose construction: *Provided*, That the costs allocated to
8 recreation or fish and wildlife enhancement shall not exceed
9 the lesser of the benefits from those functions or the costs
10 of providing recreation of fish and wildlife enhancement
11 benefits of reasonably equivalent use and location by the
12 least costly alternative means; and (3) not more than one-
13 half the separable costs and all the joint costs of the project
14 allocated to recreation and fish and wildlife enhancement
15 shall be borne by the United States and be nonreimbursable.
16 Projects authorized before January 1, 1966, may include
17 recreation and fish and wildlife enhancement on the fore-
18 going basis without the required indication of intent. Execu-
19 tion of an agreement as aforesaid shall be a prerequisite to
20 commencement of construction of projects authorized pur-
21 suant to this section.

22 (b) The non-Federal share of the separable costs of the
23 project allocated to recreation and fish and wildlife en-
24 hancement shall be borne by non-Federal interests, under
25 either or both of the following methods as may be deter-

1 mined appropriate by the head of the Federal agency having
2 jurisdiction over the project: (1) payment, or provision of
3 lands, interests therein, or facilities for the project; or (2)
4 repayment, with interest at a rate comparable to that for
5 other interest-bearing functions of Federal water resource
6 projects, within fifty years of first use of project recreation
7 or fish and wildlife enhancement facilities: *Provided*, That
8 the source of repayment may be limited to entrance and user
9 fees or charges collected at the project by non-Federal inter-
10 ests if the fee schedule and the portion of fees dedicated to
11 repayment are established on a basis calculated to achieve
12 repayment as aforesaid and if the fee schedule and the portion
13 of fees dedicated to repayment are made subject to review
14 and renegotiation at intervals of not more than five years.

15 SEC. 3. (a) In the absence of an indication of intent as
16 specified in subsection 2 (a), facilities or project modifica-
17 tions shall not be provided expressly for recreation and fish
18 and wildlife enhancement; minimum facilities for the public
19 health and safety may be provided at access points provided
20 by roads existing at the time of project construction and
21 roads constructed for the administration and management of
22 the project. For projects authorized pursuant to section 3
23 hereof, the recreation and fish and wildlife enhancement
24 benefits shall be limited to the number of visitor days and the
25 value per visitor day which would take place on the basis of

1 the provision of minimum facilities for public health and
2 safety, and excluding any additional land which may be
3 acquired expressly to provide for subsequent recreation or
4 fish and wildlife enhancement development as provided un-
5 der subsection 3 (b) ; for projects authorized pursuant to this
6 subsection, all costs allocated to recreation and fish and wild-
7 life enhancement shall be nonreimbursable.

8 (b) In the absence of an indication of intent as specified
9 in subsection 2 (a) , lands may be provided in connection
10 with project construction to preserve the recreation and fish
11 and wildlife enhancement potential of the project—

12 (1) if non-Federal public bodies execute an agree-
13 ment within ten years after initial operation of the proj-
14 ect, which agreement shall provide that the non-Federal
15 public bodies will administer project land and water
16 areas for recreation and fish and wildlife enhancement
17 pursuant to a plan of development and will bear not less
18 than one-half the costs of lands, facilities, and project
19 modifications provided for those purposes and all costs of
20 operation, maintenance, and replacement of recreation
21 and fish and wildlife enhancement facilities, not more
22 than one-half the costs of lands, facilities, and project
23 modifications provided pursuant to paragraph (1) of
24 this subsection may be borne by the United States and

1 such costs shall be nonreimbursable. Such agreement
2 and subsequent development shall not be the basis for
3 any reallocation of joint costs of the project to recreation
4 or fish and wildlife enhancement;

5 (2) if, within ten years after initial operation of
6 the project, there is not an executed agreement as speci-
7 fied in paragraph (1) of subsection 3 (b), the head of
8 the agency having jurisdiction over the project may
9 convey the possession and control of any lands provided
10 pursuant to subsection 3 (b) by deed, lease, or otherwise,
11 to any Federal agency, or to any person or non-Federal
12 body, for the purpose of recreation, fish and wildlife
13 enhancement, or use as a summer residence, or for the
14 operation on such lands of pleasure resorts for boating,
15 fishing, or any similar purpose, or for any other purpose
16 which would not conflict with the purposes for which
17 the project was constructed: *Provided*, That no transfer
18 authorized herein, except transfer by conveyance at full
19 market value under the then existing conditions, shall
20 be made without approval of the President of the United
21 States.

22 SEC. 4. At projects, the construction of which has com-
23 menced or been completed as of the effective date of this
24 Act, where non-Federal public bodies agree to administer
25 project land and water areas for recreation and fish and

1 wildlife enhancement purposes and to bear the costs of op-
2 eration, maintenance, and replacement of existing facilities
3 serving those purposes, such facilities and appropriate proj-
4 ect lands may be transferred to the non-Federal public bodies
5 at no cost.

6 SEC. 5. Nothing herein shall be construed as preventing
7 or discouraging post-authorization development of any proj-
8 ect for recreation and fish and wildlife enhancement by non-
9 Federal public bodies pursuant to agreement with the head
10 of the Federal agency having jurisdiction over the project.
11 Such development shall not be the basis for any allocation
12 or reallocation of project costs to recreation or fish and
13 wildlife enhancement.

14 SEC. 6. (a) The views of the Secretary of the Interior
15 developed in accordance with section 3 of the Act of May 28,
16 1963 (77 Stat. 49), with respect to the outdoor recreation
17 aspects shall be set forth in any report on any project or
18 appropriate unit thereof within the purview of this Act.
19 Such views shall include a report on the extent to which
20 the proposed recreation and fish and wildlife development
21 conforms to and is in accord with the State comprehensive
22 plan developed pursuant to subsection 5 (d) of the Land and
23 Water Conservation Act of 1965 (78 Stat. 897).

24 (b) Nothing in this Act shall be construed as amending
25 the first proviso of subsection 2 (d) of the Act of August 12,

1 1958 (72 Stat. 563; 16 U.S.C. 662 (d)), and the second
2 proviso of subsection 2 (d) of that Act is hereby repealed.

3 (c) Expenditures for lands or interests in lands hereafter
4 acquired by project construction agencies for the establish-
5 ment of migratory waterfowl refuges recommended by the
6 Secretary of the Interior at Federal water resource projects,
7 when such lands or interests in lands would not have been
8 acquired but for the establishment of a migratory waterfowl
9 refuge at the project, shall not exceed \$28,000,000: *Pro-*
10 *vided*, That the aforementioned expenditure limitation in this
11 subsection shall not apply to the costs of mitigating damages
12 to migratory waterfowl caused by such water resource
13 project.

14 (d) This Act shall not apply to the Tennessee Valley
15 Authority, nor to projects constructed under authority of the
16 Small Reclamation Projects Act, as amended, or under
17 authority of the Watershed Protection and Flood Prevention
18 Act, as amended.

19 (e) Sections 2, 3, 4, and 5 of this Act shall not apply
20 to nonreservoir local flood control projects, beach erosion
21 control projects, small boat harbor projects, hurricane protec-
22 tion projects, or to project areas or facilities authorized by
23 law for inclusion within a national recreation area or appro-
24 priate for administration by a Federal agency as a part of the
25 national forest system, as a part of the public lands classified

1 for retention in Federal ownership, or in connection with an
2 authorized Federal program for the conservation and devel-
3 opment of fish and wildlife.

4 (f) As used in this Act, the term “nonreimbursable”
5 shall not be construed to prohibit the imposition of entrance,
6 admission, and other recreation user fees or charges.

7 (g) Subsection 6 (a) (2) of the Land and Water Con-
8 servation Fund Act of 1965 (78 Stat. 897) shall not apply
9 to costs allocated to recreation and fish and wildlife enhance-
10 ment which are borne by the United States as a nonreim-
11 bursable project cost pursuant to subsection 2 (a) or sub-
12 section 3 (b) (1) of this Act.

13 (h) All payments and repayment by non-Federal public
14 bodies under the provisions of this Act, and revenue from
15 the conveyance by deed, lease, or otherwise, of lands under
16 subsection 3 (b) (2) of this Act, shall be deposited in the
17 Treasury as miscellaneous receipts.

18 SEC. 7. (a) The Secretary of the Interior is authorized
19 as a part of any water resource development project under
20 his control heretofore or hereafter authorized or reauthor-
21 ized, except projects or areas within national wildlife refuges,
22 to investigate, plan, construct, operate, and maintain or
23 otherwise provide for public outdoor recreation facilities, to
24 acquire or otherwise to include within the project area such
25 adjacent lands or interests therein as are necessary for present

1 or future public recreation use, to provide for the public
2 use and enjoyment of project lands, facilities, and water
3 areas in a manner coordinated with the other project pur-
4 poses, and at projects hereafter authorized or reauthorized,
5 to allocate water and reservoir capacity to recreation. Lands,
6 facilities, and project modifications may be provided in ac-
7 cordance with subsection 3 (b), hereof, at projects here-
8 tofore authorized.

9 (b) The Secretary of the Interior is authorized to enter
10 into agreements with Federal agencies or State or local public
11 bodies for the administration of project land water areas
12 and the operation, maintenance, and replacement of facilities
13 and to transfer project lands or facilities to Federal agencies
14 or State or local public bodies by lease, conveyance, or ex-
15 change, upon such terms and conditions as will best promote
16 the development and operation of such lands or facilities in
17 the public interest for recreation purposes.

18 (c) No lands under the jurisdiction of any other Fed-
19 eral agency may be included for or devoted to recreation
20 purposes under the authority of this section without the con-
21 sent of the head of such agency; and the head of any such
22 agency is authorized to transfer any such lands to the juris-
23 diction of the Secretary of the Interior for purposes of this
24 section. The Secretary of the Interior is authorized to trans-
25 fer jurisdiction over project lands within or adjacent to the

1 exterior boundaries of national forests and facilities thereon to
2 the Secretary of Agriculture for recreation and other national
3 forest system purposes; and such transfer shall be made in
4 each case in which the project reservoir area is located wholly
5 within the exterior boundaries of a national forest unless the
6 Secretaries of Agriculture and Interior jointly determine
7 otherwise. Where any project lands are transferred here-
8 under to the jurisdiction of the Secretary of Agriculture, the
9 lands involved shall become national forest lands: *Provided*,
10 That the lands and waters within the flow lines of any reser-
11 voir or otherwise needed or used for the operation of the
12 project for other purposes shall continue to be administered
13 by the Secretary of the Interior to the extent he determines
14 to be necessary for such operation. Nothing herein shall
15 limit the authority of the Secretary of the Interior granted
16 by existing provisions of law relating to recreation develop-
17 ment of water resource projects or to disposition of public
18 lands for recreational purposes.

19 SEC. 8. As used in this Act—

20 (a) The term “project” shall mean a project or any
21 appropriate unit thereof.

22 (b) The term “cost” shall mean the value of goods
23 and services (land, labor, and supplies) used for the
24 establishment, maintenance, and operation of the project.

25 (c) The term “separable costs” shall mean the cost

1 for each project purpose which is the difference between
2 the cost of the multiple-purpose project and the cost
3 of the project with the purpose omitted.

4 (d) The term “joint costs” shall mean the differ-
5 ence between the cost of the multiple-purpose project
6 as a whole and the total of the separable costs for all
7 project purposes.

8 SEC. 9. This Act may be cited as the “Federal Water
9 Project Recreation Act”.

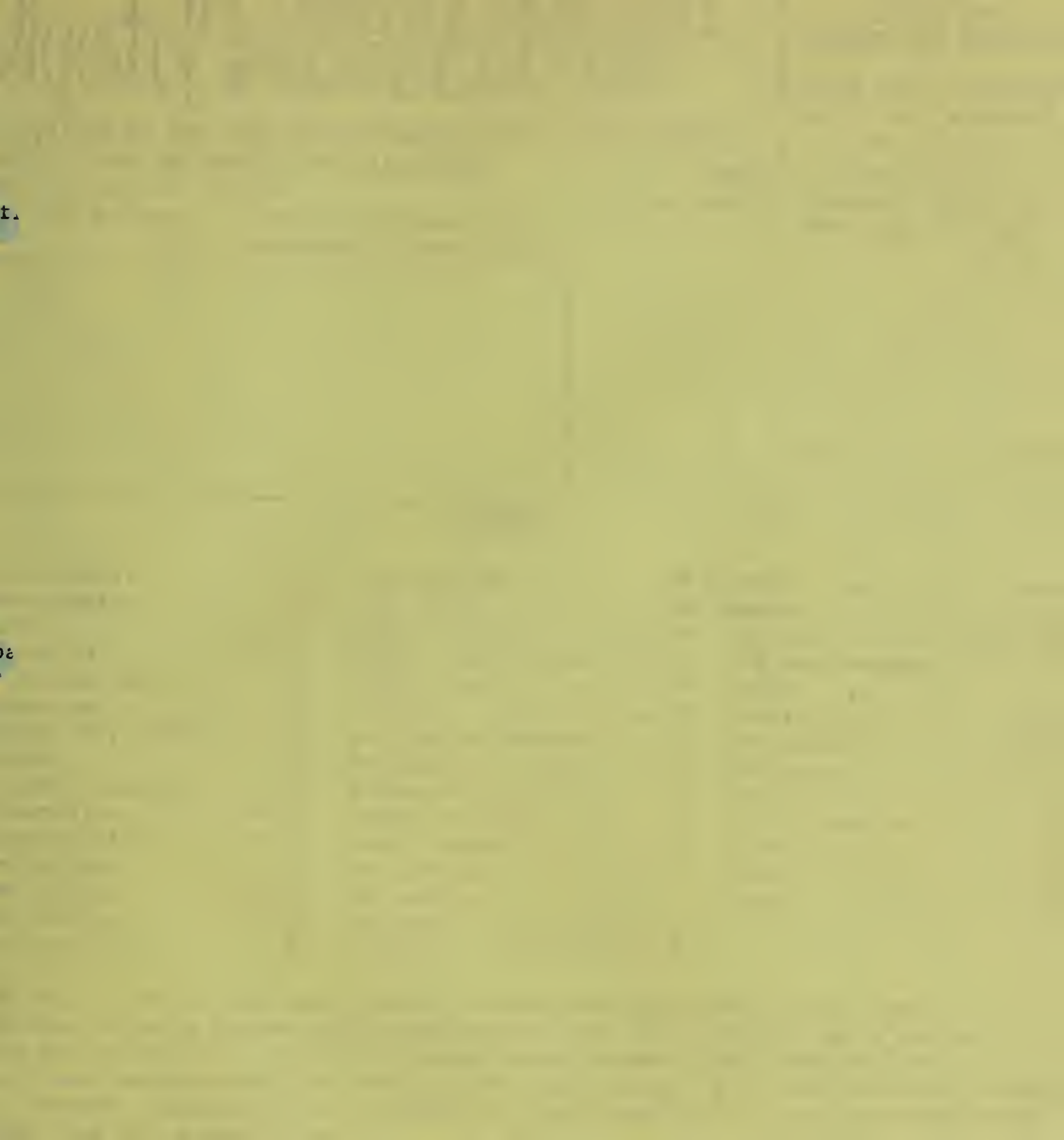
A BILL

To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

By Mr. ASPINALL

FEBRUARY 23, 1965

Referred to the Committee on Interior and Insular
Affairs



Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

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OFFICE OF
BUDGET AND FINANCE

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Issued March 10, 1965

For actions of March 9, 1965

89th-1st; No. 44

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HIGHLIGHTS: House committee reported acreage-poundage tobacco bill. House committee voted to report bill to extend Wool Act. Rep. Findley spoke against extension of Wool Act. Sen. Holland and others debated farm labor problem. Sens. Mundt and Burdick criticized proposed user charge of SCS technical assistance. Sen. Monroney introduced and discussed bill to exempt certain rural electric cooperatives from FPC jurisdiction.

SENATE

1. FARM LABOR. Sens. Holland, Aiken, Murphy, Mansfield, and Hayden debated the farm labor problem, expressed concern that there are not sufficient domestic farm laborers to harvest crops and that some agricultural producers are moving their operations to Mexico as a result of the termination of the Mexican farm labor program, and inserted several items on the matter. pp. 4355-67

2. LEGISLATIVE PROCESS. By a vote of 88 to 0, agreed to without amendment S. Con. Res. 2, to establish a Joint Committee on the Organization of Congress, composed of six members from each the House and the Senate, to make a study and recommend improvements in the organization and operation of the Congress. pp. 4403, 4408-19, 4429
3. SOIL CONSERVATION; USER CHARGES. Sen. Mundt stated that the proposal for user charges on SCS technical assistance "is a folly of the first order," and that he would do all he could to oppose its enactment. pp. 4399-4400
Sen. Burdick criticized the proposed user charges proposal and inserted a statement by the vice president of the Wildlife Management Institute and two resolutions adopted by the board of directors of the N. Dak. Assoc. of Soil Conservation Districts expressing opposition to the proposal. pp. 400-02
4. SUGAR. Received a Mont. Legislature resolution favoring extension of the Sugar Act and an increase in the domestic sugar quota. p. 4375
5. FARM INCOME. Sen. Burdick inserted a N. Dak. Legislature resolution urging the Congress and the administration to "adopt a system of price supports and production controls for agricultural commodities now covered by price supports that will assure adequate income for farmers and assure solvency for all of rural America." pp. 4402-3
6. CONSERVATION. Sen. Nelson inserted a magazine article calling for greater coordination of conservation efforts. pp. 4392-3
7. WATERSHEDS. Received from the Budget Bureau plans for works of improvement on the following watersheds:
Big Slough, Ark.; Minersville, Utah; Rock Creek, Kans.; Rock Creek, Nebr.; Spring Creek, Nebr.; Vanar Wash, N. Mex. and Ariz.; and Willow Creek-Park River, N. Dak.; to Agriculture and Forestry Committee. p. 4374
Badger Creek (supplemental), Iowa; Ketchepedrakee Creek, Ala.; South Anna River, Va.; Twin-Rush Creek, Ind.; and Walter's Creek, Iowa; to Public Works Committee. p. 4375
8. BALANCE OF PAYMENTS. Sen. Proxmire inserted Secretary of Treasury Dillon's testimony before the Banking and Currency Committee on the international balance of payments situation. pp. 4367-71
9. INFORMATION. Sen. Proxmire inserted an editorial in support of his bill to provide greater access of the public to information in the Federal Government. p. 4374
10. FOREIGN CURRENCIES. Received from AID a copy of its "reply to the report of the Comptroller General of the United States, relating to loss of interest on U. S. owned foreign currencies in the Republic of China (Taiwan)." p. 4375
11. WATER RESOURCES. Sen. Jackson announced that the Interior and Insular Affairs will hold a hearing Mar. 22 on S. 1229, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects. p. 4379
12. NOMINATION. Confirmed the nomination of Garth L. Mangum to be Executive Secretary of the National Commission on Technology, Automation, and Economic Progress. p. 4380

sion, the Court of Claims, and the Supreme Court. The judgments became final and Congress appropriated and paid them into the Department of the Treasury for the Miamis.

One judgment of \$349,000 is the sole property of the Miami Tribe of Oklahoma which included additional compensation for the cession of their Kansas lands ceded for an unconscionable price. Included in it is the correction of errors in commuting and distributing annuities due the tribe for cessions of Indiana lands in the east of \$26,500 annually. The Miami Tribe of Indiana was awarded a separate judgment of \$64,000 for its share of the erroneously commuted annuities that were distributed under the 1854 Treaty.

The last moneys distributed to the Miamis was in 1891 to the Miamis of Oklahoma and in 1889 and 1895 to Miamis of Indiana on rolls of Miamis approved in those years. The distribution bill proposes that the joint judgment of \$4,647,467.67 be distributed to the living Miamis who were on the rolls of 1889, 1891, and 1895 and to the children and grandchildren of all Miami Indians who were on those rolls.

There still remains pending before the Indian Claims Commission claims for additional compensation under other treaties by which most valuable Indiana lands were ceded by the Miamis under various treaties, as far back as 1795. In describing this land, the Court of Claims stated it was located in the direct path of progress and therefore some of the most valuable land in the United States at the time of the treaties.

The suits for the Miami Tribe of Oklahoma were filed by Edward P. Morse—now deceased—and Edwin A. Rothschild of Chicago. The suits for the Miami Tribe of Indiana were filed by Walter H. Maloney of Washington, D.C.

Present day rolls have not yet been made. It is estimated that the number of Miami Indians in both tribes, eligible to participate, will approximate 2,500 Indians, the majority of whom are in Indiana. None of these Miamis live on reservations.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 1461) to provide for the disposition of the funds arising from judgments in favor of the Miami Indians of Indiana and Oklahoma, and for other purposes, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

AMENDMENT OF ARMS CONTROL AND DISARMAMENT ACT, TO INCREASE THE AUTHORIZATION FOR APPROPRIATIONS—AMENDMENT (AMENDMENT NO. 52)

Mr. CLARK proposed an amendment to the bill (H.R. 2998) to amend the Arms Control and Disarmament Act, as amended, in order to increase the authorization for appropriations, which was ordered to be printed.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

Mr. MURPHY. Mr. President, during the printing of S. 12, a bill providing tax credit for higher education, S. 944, a bill establishing a National Oceanographic Council, S. 969, a bill requiring that the Veterans' Administrator give the Congress 6 months' notice before closing any veterans facilities, and Senate Resolution 78, a resolution authorizing the Banking and Currency Committee to study certain matters respecting the chartering of national banks, my name was inadvertently omitted as a cosponsor. I ask unanimous consent at the next printing of these bills that my name be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I request unanimous consent that at its next printing the name of the junior Senator from Maine [Mr. MUSKIE] be added as a cosponsor of the concurrent resolution (S. Con. Res. 17) condemning Soviet persecution of Jews.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOGGS. Mr. President, I ask unanimous consent that at the next printing of the bill (S. 969) to amend title 38, United States Code, so as to require the administrator of the Veterans Affairs to give 6 months' advance public notice of the planned closing or relocation of any veterans' facility, and to provide for at least one Veterans Service Center in each State, and for other purposes the names of Senators AIKEN and JAVITS be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. I ask unanimous consent that at the next printing of S. 600, the higher education bill, the name of the Senator from North Dakota [Mr. BURDICK] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of March 1, 1965, the names of Mr. CHURCH, Mr. DOUGLAS, Mr. GRUENING, Mr. HART, Mr. INOUE, Mr. LONG of Missouri, Mr. McGEE, Mr. METCALF, Mr. MOSS, Mr. RANDOLPH, Mr. TYDINGS, and Mr. YARBOROUGH were added as additional cosponsors of the bill (S. 1322) to establish the Chesapeake & Ohio Canal National Historical Park in the State of Maryland, and for other purposes, introduced by Mr. BREWSTER on March 1, 1965.

NOTICE OF HEARINGS ON S. 1229, TO PROVIDE UNIFORM POLICIES WITH RESPECT TO RECREATION

Mr. JACKSON. Mr. President, for the information of the Senate, I announce that the Committee on Interior and Insular Affairs will hold a public hearing on March 22, beginning at 10 a.m. in Room 3110, New Senate Office Building, on S. 1229, a bill to provide uniform policies

with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

This legislation has been submitted to the Congress by the executive branch of the Government. It is intended to provide a solution to the long-term problem facing the development of water resource projects and the relationship of recreation and fish and wildlife benefits to these projects.

This announcement is intended to give notice to any Member of the Senate or other interested person who may desire to come before the committee and present his views on this important legislation.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. SCOTT:

Address on the ideals and vision of George Washington, delivered by Pennsylvania State Representative Francis Worley.

By Mr. INOUE:

Article on work undertaken by graduates of the Center for Cultural and Technical Interchange Between East and West.

By Mr. HARTKE:

Article entitled "Politics, Economics Behind Krupp Deal," written by Elliot Janeway, and published in the Chicago Tribune of February 25, 1965.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session and consider nominations on the Executive Calendar.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider executive business.

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the first nomination on the calendar.

DEPARTMENT OF STATE

The legislative clerk proceeded to read sundry nominations in the Department of State.

Mr. MANSFIELD. Mr. President, I ask that those nominations be considered en bloc, except that of Mr. Raymond R. Guest, of Virginia, to which we shall shortly return.

The PRESIDING OFFICER. Without objection, the nominations, with the exception of that of Mr. Guest, will be considered en bloc, and are confirmed.

ANGIER BIDDLE DUKE

Mr. COOPER subsequently said: Mr. President, the appointment of Angier Biddle Duke to be Ambassador of the United States to Spain is one that deserves the commendation of the Senate. As Chief of Protocol of the Department of State, as an Ambassador, and in every

position to which he has been appointed, Angier Biddle Duke has served our country well. I am glad that he was unanimously confirmed by the Senate today.

Mr. PELL subsequently said: Mr. President, it is with particular delight that I speak in behalf of Angier Biddle Duke, who has been a friend of mine for more than 30 years. I have always admired Angier Duke and found him to be a man of integrity and intelligence. Having worked for him when he was president and I vice president of the International Rescue Committee, I can vouch also for the fact that he has remarkable organizational ability and the skill of working out problems and working with people. In fact, he has developed to a great extent that traditional and necessary skill of diplomacy of attaining his objective without ruffling feathers. Indeed, he has developed to the maximum that old diplomatic technique of always letting the other fellow have his—Duke's—way. This is the kind of diplomacy we should wage abroad, and it is the kind that Angier Duke will practice as Ambassador.

Moreover, his organizational ability will stand him in good stead in a post like Madrid, which is chockablock with American civilian and military personnel, not to count the various exotic problems left behind by passing American tourists.

Like his uncle before him, Ambassador Anthony Drexel Biddle, whom I visited in Poland before the war and with whom my father served in London during the war, Angier Duke studies, wrestles with, and grasps every problem with which he is faced in an exceptionally talented and constructive fashion.

His distinguished diplomatic contributions to our country include serving with our Embassies in Argentina and in Spain, serving as Ambassador to El Salvador, and, in recent years, serving as Chief of Protocol. This service is, I feel, worthy of highest esteem.

Therefore, I consider that our Nation would be most fortunate in having as our man in Madrid, Angier Biddle Duke.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

Mr. MANSFIELD. Mr. President, I make the same request, that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc and confirmed.

NATIONAL COUNCIL ON THE ARTS

The legislative clerk read the nomination of Roger L. Stevens, of New York, to be Chairman of the National Council on the Arts.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NATIONAL COMMISSION ON TECHNOLOGY, AUTOMATION, AND ECONOMIC PROGRESS

The legislative clerk read the nomination of Garth L. Mangum, of Utah, to be Executive Secretary of the National Commission on Technology, Automation, and Economic Progress.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the Public Health Service.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations in the Public Health Service be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I ask that the President be notified of the nominations today confirmed.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF STATE—NOMINATION OF RAYMOND R. GUEST, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO IRELAND

The PRESIDING OFFICER. The clerk will now state the nomination of Mr. Guest.

The legislative clerk read the nomination of Raymond R. Guest, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ireland.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

Mr. ROBERTSON. Mr. President, the Senators from Virginia are pleased and gratified that our State is honored to have named a former State Senator of Virginia to be Ambassador to Ireland. I welcome this opportunity to say something about Ireland. I was privileged to visit in Ireland last September. I do not know of any country more friendly to us in the whole world. I was a little surprised to learn something, because I have not been too well informed about all the countries that have shared in our foreign aid. I thought practically every country except Russia and Red China had received aid from us, but I was surprised to learn that Ireland was never included in any form of foreign aid.

I was also surprised to find that the average income in Ireland was only \$600 a year. When I asked about it, I was told it was primarily an agricultural country, that farm products were in competition with us and other nations that raised them at lower cost. One of the principal exports of Ireland was

jumping horses, race horses, and other fine horses.

The President has selected to be our next representative there one of the outstanding horse experts in the country. He has maintained a racing stable in our own State. He has a breeding farm in Ireland. He knows a host of people in Ireland. For the past 25 years he has been engaged in agriculture.

So I do not know what better qualifications a man could have to help the Irish people, if we are not going to even give them a loan to buy farming equipment. We get some of their best sons here.

I learned that there were 1 million fewer people in Ireland than there were a hundred years ago. Where did they go? When they could not make a living there they came to this country. One of them was named Kennedy. Of course, we are proud of that name, and so are they. Ireland is a great country. It is a friendly country. I do not know why we do not make them small loans. They have never defaulted on a loan. Yet they do not get small loans of foreign aid or other loans, and there is no more friendly country in the world.

I am glad that I am to be a delegate to the IPU in Dublin the week of April 18.

While I am there meeting with representatives of 51 other nations I want to find out more about Ireland, because I really feel we ought to look into people as fine as the Irish are, people who have survived all sorts of hardships, including a lack of a civil rights bill there, a people who were really persecuted for many years. They did not have a civil rights bill. They are very poor people. They are proud, but poor. They are fine people. While I am over there next month I want to find out a little more about them. In the meantime I can say that they are going to like Raymond Guest.

Mr. BYRD of Virginia. Mr. President, I wish to make a brief statement in regard to the nomination of Raymond Guest. I have known him for a great many years. He served in the State Senate of Virginia for 10 years. I think he is eminently qualified for the position as Ambassador to Ireland. I hope very much that the Senate will confirm the nomination. I feel he will make a fine record.

He has the confidence and respect of all the people who know him in Virginia. I trust the nomination will be unanimously approved.

Mr. COOPER. Mr. President, I wish to join my colleagues in their remarks about Mr. Guest's qualifications to be Ambassador to Ireland. I have had an opportunity to know him for some 12 years. His great interest in agriculture, which is very important in Ireland, plus his own experience in public life, will result in his being a fine Ambassador from our country to Ireland. His work in Virginia, and his own service in the legislature of that Commonwealth, have

standards of water quality to aid in preventing, controlling, and abating pollution of interstate waters. p. D206

Rep. Scheuer inserted the text of his letter to the Rivers and Harbors Subcommittee urging careful consideration of his bill, H. R. 5158, to make certain changes in the treatment works construction program under the Federal Pollution Control Act. p. 5188

15. WATER RESOURCES. A subcommittee of the Interior and Insular Affairs Committee voted to report to the full committee H. R. 5269, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control. p. D205
16. APPROPRIATIONS. The Appropriations Committee reported H. R. 6453, the District of Columbia Appropriation Bill, 1966 (H. Rept. 185). p. 5179
17. RESEARCH. Rep. Roush spoke in favor of geographical distribution of Federal research and development funds. p. 5186
18. FEDERAL CONTROLS. Rep. Quillen criticized the "constantly enlarging" Federal controls, including those on agricultural products. pp. 5191-2
19. COTTON. Reps. Landrum and Dorn praised the achievements of the cotton program and urged extension of this legislation. pp. 5197-5201
20. HAWAII. Rep. Matsunaga paid tribute to Hawaii on the sixth anniversary of the signing of the Hawaiian statehood bill. pp. 5208-11
21. ALLIANCE FOR PROGRESS. Rep. Gonzalez praised the record of the Alliance for Progress, including the food-for-peace programs, and inserted President Kennedy's speech announcing the Alliance and an editorial, "Alliance Record Pleases Experts--Wide Latin Gains Found as Program Ends Fourth Year." pp. 5215-17
22. TECHNICAL SERVICES. Received from the Post Office and Civil Service Committee a report "on the decision of the Comptroller General of the United States regarding contractor technical services (Rept. 188)." p. 5222
23. SOIL CONSERVATION. Received a Maine Legislature memorial requesting support of the Agricultural Conservation Program and the Soil Conservation Service. p. 5224
24. POTATOES. Received a Maine Legislature memorial proposing "abolition of futures trading of potatoes on the New York Mercantile Exchange." p. 5224
25. LEGISLATIVE PROGRAM. Rep. Albert announced that on Mon. H. R. 5721, the tobacco acreage-poundage bill, would be considered. p. 5192
26. ADJOURNED until Mon., March 22. p. 5222

ITEMS IN APPENDIX

27. PATENTS. Speech in the House by Rep. Anderson, Ill., opposing the bill to increase fees payable to the Patent Office. pp. A1256-8

28. USER CHARGES. Rep. Mills inserted Gov. Faubus' letter to the President and a State of Ark. resolution opposing the proposed user charge for SCS technical assistance. p. A1259
Rep. Broyhill, Va., inserted an article critical of certain user charges and stating that "The whole problem raises some philosophical points as to the attitude of the U. S. Government toward its constituents." pp. A1273-4
29. MONOPOLIES. Extension of remarks of Rep. Mathias favoring a "thorough study of the operation and effect of existing antitrust statutes..." pp. A1279-80
30. VOTING RECORD. Extension of remarks of Rep. Cameron reporting on his voting record, including his support for the Appalachian bill. pp. A1290-2

BILLS INTRODUCED

31. PERSONNEL. H. R. 6461 by Rep. Burton, Utah, to amend the Civil Service Retirement Act to provide for the adjustment of inequities; to Post Office and Civil Service Committee.
H. R. 6462 by Rep. Burton Utah, to correct inequities in the Civil Service Retirement Act, the Retired Federal Employees Health Benefits Act and in other laws governing civil service retirement benefits; to Post Office and Civil Service Committee.
H. R. 6463 by Rep. Burton, Utah, to amend the Civil Service Retirement Act, as amended, to provide for the recomputation of annuities of certain retired employees who elected reduced annuities at the time of retirement in order to provide survivor annuities for their spouses, and for the recomputation of survivor annuities for the surviving spouses of certain former employees who died in service or after retirement; to Post Office and Civil Service Committee.
H. R. 6480 by Rep. Halpern, to amend the Civil Service Retirement Act to authorize retirement without reduction in annuity of employees with 20 years of service by reason of the abolition or relocation of their employment; to Post Office and Civil Service Committee.
H. R. 6506 by Rep. Broyhill, Virginia, to provide elective coverage under the Federal old-age, survivors, and disability Insurance system for all officers and employees of the United States and its instrumentalities; to Ways and Means Committee.
32. ELECTRIFICATION. H. R. 6485 by Rep. Harris, to amend section 202(b) of the Federal Power Act to authorize the Federal Power Commission upon its own motion to direct the interconnection of electric facilities; to Interstate and Foreign Commerce Committee
H. R. 6486 by Rep. Harris, to amend the Federal Power Commission; to Interstate and Foreign Commerce.
33. RECREATION. H. R. 6489 by Rep. King, Utah, to establish the Flaming Gorge National Recreation Area in the States of Utah and Wyoming; to Interior and Insular Affairs Committee.
H. R. 6490 by Rep. King, Utah, to authorize the Secretary of the Interior to conduct, in cooperation with the States and interested Federal agencies, a development survey of the recreational resources of the Golden Circle of Parks and Monuments and associated science, recreation, and Indian areas in the States of Arizona, Colorado, New Mexico and Utah; to Interior and Insular Affairs Committee.

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

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U. S. Department of Agriculture

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HIGHLIGHTS: Senate committee voted to report acreage-poundage tobacco bill. Sen. Jordan, Ida., inserted item on problems in potato industry. Sen. Jordan, Ida., stated that the consumers should pay costs of meat inspection. Sen. McGovern expressed concern over farm situation in S. Pak. Sens. Yarborough and Robertson expressed opposition to proposed SCS user charge. Sen. Pearson commended results of industry meetings on sugar legislation. House committee reported Treasury-Post Office-Executive Office appropriation bill. Rep. Powell introduced and discussed bill to expand poverty program. Sen. Douglas introduced and discussed administration's proposed Public Works and Economic Development Act.

APRIL 1, 1965

-2-

SENATE

1. TOBACCO. The Agriculture and Forestry Committee voted to report (but did not actually report) with amendments H. R. 5721, to provide for acreage-poundage marketing quotas for tobacco (p. D253). The "Daily Digest" states that Sen. Mansfield announced that the bill may be considered Mon., Apr. 5 (p. D252). Unanimous consent was granted for Sen. Jordan, N. C., to file individual and minority views on the bill (p. 6307). Sen. Talmadge submitted two amendments intended to be proposed to the bill (p. 6307).
2. WATER RESOURCES. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendments S. 1229, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects. p. D254
3. EDUCATION. The Subcommittee on Education of the Labor and Public Welfare Committee approved for full committee consideration without amendment H. R. 2362, to strengthen and improve the quality of elementary and secondary school facilities. p. D254
4. PUBLIC LAW 480. Received the President's annual report on activities carried on under Public Law 480 (H. Doc. 130). pp. 6251-2
5. REGIONAL DEVELOPMENT. Received from the President a proposed bill "to provide grants for public works and development facilities, other financial assistance, and the planning and coordination needed to alleviate conditions of substantial and persistent unemployment and underemployment in economically distressed areas"; to Public Works Committee. p. 6253
Sen. Kennedy, Mass., commended the proposed bill, but expressed concern "in the moderate amount of money authorized," and stated that some sections "will need to be strengthened and clarified." pp. 6333-4
6. CONSERVATION RESERVE. Both Houses received from this Department the annual report on the conservation reserve program. pp. 6253, 6528
7. SALINE WATER. Received from the President a proposed bill "to expand, extend, and accelerate the saline water conversion program conducted by the Secretary of the Interior"; to Interior and Insular Affairs Committee. p. 6253
8. POTATOES. Sen. Jordan, Ida., spoke in support of legislation to require labeling of potatoes by State of origin and inserted an article on problems in the Idaho potato industry. pp. 6320-22
9. MEAT INSPECTION. Sen. Jordan, Ida., stated that consumers, rather than meat-packers, should pay the costs of meat inspection and inserted an editorial in support of his position. p. 6322
10. NOMINATION. Confirmed the nomination of John L. Sweeney to be Federal Cochairman of the Appalachian Regional Commission. p. 6324
11. FARM INCOME. Sen. McGovern expressed concern over the level of farm income and inserted an article on "the extreme seriousness of the farm situation in South Dakota." pp. 6347-9

liberalizes training allowances; permits payment of trainees' daily commuting costs; brings the training program for redevelopment areas under the Act; and changes the title-by-title limitations on annual appropriations to an open-end authorization for the entire Act. Reps. Talcott and O'Hara discussed the training of agricultural workers under the provisions of Act (p. 6454).

34. FARM LABOR. Rep. Cohelan commended and inserted an editorial, "End of Cheap Farm Labor," stating "No Crops will spoil if the growers finally face up to the need for a substantial increase in the wages." pp. 6470-1
35. EMPLOYMENT. Rep. Albert expressed pleasure in the Labor Dept.'s announcement that unemployment had dropped during march to the lowest level in 7½ years, and Rep. Hathaway stated the "incredible reduction has come about through a solid series of programs" initiated by this administration including the Area Redevelopment Act, the Manpower Development and Training Act, and the Economic Opportunity Act. pp. 6475-7
36. EDUCATION. Rep. Fraser spoke in support of his bill to provide Federal grants and loan funds to public and nonpublic schools of veterinary medicine. pp. 6524-27
Rep. Dent spoke in support of his bill to establish a system of insurance on reduced-interest loans to assist students to attend postsecondary business, trade, technical, and other vocational schools. pp. 6527-8
37. INTERNATIONAL MONETARY FUND. The Banking and Currency Committee reported without amendment H. R. 6497, to amend the Bretton Woods Agreements Act to authorize an increase in the International Monetary Fund quota of the U. S. (H. Rept. 222). p. 6529
38. GAO REPORTS. Rep. Widnall stated that "the short shrift given GAO urban renewal reports, findings, and recommendations to date demands a thorough congressional investigation here and in the field, in order to achieve greater efficiency and economy in Government" and inserted excerpts from articles and correspondence on the subject. pp. 6500-6
39. LABOR; CONTRACTS. Rep. Roosevelt inserted copies of correspondence between him and the Labor Department concerning administration of the Davis-Bacon Act. pp. 1610-11
40. APPROPRIATIONS. The Appropriations Committee reported this bill, H. R. 7060 (H. Rept. 223), which includes Treasury, Post Office, Executive Office of the President, and certain independent agencies. p. 6529
41. WATER RESOURCES. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 5269 (amended), to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control. p. D255
42. HEALTH. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) H. R. 2984 (amended) to amend the Public Health Service Act provisions for construction of health research facilities by

extending the expiration date thereof and providing increased support of the program, and to authorize additional Assistant Secretaries in HEW. p. D255

43. PERSONNEL. The Post Office and Civil Service Committee voted to report (but did not actually report) H. R. 6926, to provide certain adjustments in amounts of group life and group accidental death and dismemberment insurance under the employees' life insurance fund. p. D256
44. LEGISLATIVE PROGRAM. Rep. Albert announced that H. R. 5702, to extend the National Commission on Food Marketing, will be considered on Mon. under suspension of the rules; on Tues. the second supplemental appropriation bill, 1965; and on Wed. and the balance of the week, the medicare bill; and that the Easter recess will be April 16 through 20. pp. 6465-6
Reps. Gross and Albert discussed the length of the Easter recess. p. 6466
45. ADJOURNED until Mon. Apr. 5. p. 6528

BILLS INTRODUCED

46. HEALTH. H. R. 7057 by Rep. Byrnes, Wisconsin, to establish a program of voluntary comprehensive insurance for all persons aged 65 or over and an expanded program of medical assistance, to increase benefits under the old-age survivors, and disability insurance system, to improve the Federal-State public assistance programs; to Ways and Means Committee. Remarks of author pp. 6507-9
47. AIR POLLUTION. H. R. 7065 by Rep. Lindsay, to amend the Clean Air Act to require national standards for reducing or eliminating the emission of air pollutants from gasoline-powered vehicles, to authorize grants to municipalities and air pollution-control agencies for the acquisition, construction, or installation of devices or facilities designed to reduce or eliminate air pollution resulting from the disposal of solid wastes, to direct the Surgeon General to conduct a study of and report to Congress on the effect of air pollution from all sources on human health (particularly lung cancer); and to amend the Internal Revenue Code of 1954 to permit deduction of expenditures and increased investment credit for the acquisition, construction, or installation of water and air pollution control devices; to Interstate and Foreign Commerce. Remarks of author pp. 6491-8
48. CIVIL DEFENSE. H. R. 7069 by Rep. Matthews, to further amend the Federal Civil Defense Act of 1950, as amended, to provide for shelter in Federal structures, to authorize payment toward the construction or modification of approved public shelter space; to Armed Services Committee. Remarks of author p. 6509
49. INFORMATION. H. R. 7074 by Rep. Wolff, to provide for the distribution on request and without charge of certain publications of the Federal Government and State and local officials and institutions of higher education; to House Administration Committee. Remarks of author p. 6524

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HIGHLIGHTS: Senate committee reported bill to provide uniform policies re recreation and fish and wildlife benefits on water resource projects. Sen. Morten inserted Sen. Cooper's testimony on cigarette labeling and advertising bills. Reps. Leggett and Aspinall defended use of foreign farm laborers. Rep. Kee introduced and discussed bill to authorize FHA loans for waste disposal systems.

SENATE

1. **WATER RESOURCES.** The Interior and Insular Affairs Committee reported with amendments S. 1229, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects (S. Rept. 149). p. 7009

Sen. Lausche criticized the proposed construction of the Bridge Canyon and Marble Canyon dams on the Colorado River as a part of the Lower Colorado River Basin project. pp. 7023-4

2. **EDUCATION.** Began debate on H. R. 2362, the proposed Elementary and Secondary Education Act of 1965. pp. 7035-87

3. TOBACCO. Conferees were appointed on H. R. 5721, to provide for acreage-poundage marketing quotas for tobacco (p. 7013). House conferees have already been appointed.
Sen. Morton inserted Sen. Cooper's testimony before the Senate Commerce Committee challenging the authority of the Federal Trade Commission to impose regulations with regard to labeling and advertising in relation to the hazards of smoking. pp. 7025-7
4. USER CHARGES; SOIL CONSERVATION. Received N. Mex. and S. C. Legislature resolutions critical of the proposed user charge on SCS technical assistance to farmers and ranchers. pp. 7006-7009
5. VETERANS' BENEFITS. The Subcommittee on Veterans' Affairs of the Labor and Public Welfare approved for full committee consideration S. 9, to give cold war veterans educational and home loan benefits similar to those afforded veterans of World War II. p. D273
6. ELECTRIFICATION. Sen. Metcalf stated that the rate of return permitted most major power companies is now in excess of 7 percent and inserted an FPC listing of the rates of return for power companies. pp. 7029-31
7. NOMINATIONS. Confirmed the nominations of Jack T. Conway to be Deputy Director, and Glenn W. Ferguson, Otis A. Singletary, and Theodore M. Berry to be Assistant Directors of the Office of Economic Opportunity. p. 7089
8. TERRITORIES. Both Houses received from Interior an interim report on the long-range economic development plan for Guam. pp. 7002, 7006
9. HOUSING AND URBAN DEVELOPMENT. Sen. Javits submitted an amendment intended to be proposed to S. 1354, the housing and urban development bill. p. 7014
10. COSPONSORS were added to S. 1648, to provide grants for public works and development facilities, and other financial assistance, and the planning and coordination needed to alleviate conditions of substantial and persistent unemployment and underemployment in economically distressed areas and regions; and S. 1636, to clarify the relationship of interests of the U. S. and of the States in the use of the waters of certain streams. p. 7014
11. RECREATION. Sen. Nelson inserted and commended an article discussing the development of recreational facilities on a farm in Wisc. pp. 7024-5
12. CIVIL DEFENSE. Sen. Young, O., criticized the Federal civil defense program as "useless." pp. 7014-5

HOUSE

13. MEDICARE. Began debate on H. R. 6675, to provide a hospital insurance program for the aged under the Social Security Act with a supplementary health benefits program and an expanded program of medical assistance. pp. 6946-89
14. FARM LABOR. Reps. Leggett and Aspinall defended the use of treatment of foreign farm laborers in Calif. and Colo. and inserted articles and charts on this subject. pp. 6991-2, 6992-3

FEDERAL WATER PROJECT RECREATION ACT

APRIL 7, 1965.—Ordered to be printed

Mr. JACKSON, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany S. 1229]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 1229) to provide uniform policies with respect to recreation and fish and wildlife benefits and cost of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

BACKGROUND OF MEASURE

The Congress, the Bureau of the Budget, the Department of the Army, and the Department of the Interior have for some time been giving formal study to the subject of uniform cost allocations on water resource projects.

At the request of the Bureau of the Budget, Senator Jackson introduced S. 1229 dealing with recreation and fish and wildlife policies in reclamation projects.

PURPOSE OF MEASURE

The principal purpose of S. 1229, as reported, is to establish prospective standard guidelines on the allocation of and the reimbursability of recreation and fish and wildlife costs on Federal multiple-purpose water-resource projects.

The bill also gives the Secretary of the Interior certain limited authority for recreation development on existing projects under his control.

The committee wishes to encourage, through its action on S. 1229, non-Federal development and operation of recreation and fish and wildlife enhancement features of Federal water resources projects except where such features meet the criteria for Federal administration.

The committee finds the cost-sharing provisions proposed by the Bureau of the Budget to be reasonable. The committee recognizes that in a few instances, unusual circumstances may compel the Federal water resource agencies to recommend to the Congress exceptions to the general cost-sharing and reimbursement policy enunciated in this bill.

These cost-sharing provisions contemplate the Federal Government bearing all joint project costs allocated to recreation and fish and wildlife enhancement. The Federal Government, under the bill, could also bear up to one-half of the separable project costs allocated to these functions. The States, or local public bodies thereof, would reimburse the Federal Government for the remaining separable costs.

Joint costs, for example, include the cost of a dam to the extent it is common to all project purposes. Illustrations of separable costs are the costs of picnic tables, boat-launching ramps, lands, roads, or such project modifications as increasing the height of a dam or providing a subimpoundment specifically for recreation or fish and wildlife enhancement.

States, or local public bodies thereof, may pay or repay their share of the separable costs either through (1) payment in cost or by provision of lands or facilities needed for the project or through (2) repayment, within 50 years and with interest, from entrance and user fees collected at the projects by these entities.

The committee, not only in its examination of the more novel functions of Federal water projects such as recreation, but also in its review of such traditional project functions as power and irrigation, believes that the Congress can better meet its responsibilities by requiring the specific approval by law or by direction of one of its Interior and Insular Affairs Committees before any major Department of the Interior water-project feasibility investigation may be undertaken.

The committee believes that the active participation of these committees in the Department of the Interior's project investigations process will substantially strengthen the Department's water-resource program and be to the mutual benefit of both that agency and the Congress.

COMMITTEE AMENDMENTS

The principal changes made in S. 1229, as introduced (apart from the essentially technical or clarifying recommendations explained in the communication included herein from the Department of the Interior) are as follows:

Section 3(b)(2).—The committee's language contemplates an equitable and orderly disposal procedure for lands provided pursuant to subsection 3(b) in the event no agreement is reached with non-Federal entities with respect to cost sharing and assumption of administration. If no such agreement is reached, then the owner of record of the lands at the time of taking shall have the right to reacquire them at their current value. In the event the former owner does not wish to exercise this right, then the properties shall be disposed of in accordance with the Federal Property and Administrative Procedures Act of 1949, as amended. That is, until the purpose for which the land was taken is fulfilled, the committee believes the transaction should be regarded as incomplete, with residual rights remaining in the prior owner.

This provision giving the former owner the right of reacquisition of his land is a matter of equity. Inevitably, in a number of instances lands are taken from private persons, at a price based on the then value of the lands, for a public purpose, but for one reason or another that purpose is not or cannot be fulfilled. The lands are then transferred to another Federal agency for possibly a wholly different purpose, or are disposed of under the Federal surplus property laws to non-Federal agencies or individuals who may get an unfair advantage from the original owner's loss.

The committee's amendment would correct, to an extent at least, this situation with respect to private lands taken by the Federal Government for a joint recreation project if the non-Federal entity cannot or will not enter into the required cost-sharing and administration agreement.

The committee wishes to point out that, under its amendment, the right of reacquisition is personal to the former owner. Such an inchoate right may not be devised, sold, nor otherwise disposed of to a third person.

Section 6(c).—The committee sees no need for section 6(c), in the bill as introduced. It is expected that requests from project construction agencies for authority to acquire lands or interest in lands for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interest in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, should be proposed as a Federal cost in feasibility reports by such construction agencies and reviewed by the Congress on a project-by-project basis. The committee does not wish to agree prematurely to any particular fixed sum as a national goal for such expenditures.

Section 7.—The committee strongly believes that the Department of the Interior's recreation program will be significantly aided by careful congressional review of (1) all recreation programs proposed for inclusion in future water-resource projects and (2) all major recreation programs proposed for inclusion in existing water-resource projects.

The committee intends that in no event may the Secretary of the Interior acquire any land for recreation purposes without specific authorization by the Congress.

Section 9.—The committee intends that this section apply after January 1, 1966, to water-resource-project-feasibility reports, whether such reports are then in preparation or are simply in the proposal stage. The Corps of Engineers has operated under such planning provisions for many years.

This provision will provide the Secretary of the Interior and those under his authority with frequent occasion to review with the Interior and Insular Affairs Committees of the Congress the proper allocation of the Department's water-project planning resources.

Section 10(e).—The committee expects that the Secretary of the Interior and those under his authority will exercise great prudence in defining the scope of those investigations that may be carried on under the general authority remaining with the Secretary for reconnaissance or other surveys of a lesser magnitude than of a "feasibility report" as defined in this subsection.

The committee unanimously approves S. 1229, as amended.

DEPARTMENTAL REPORTS

The executive communication from the Bureau of the Budget submitting and recommending S. 1229 and the favorable report from the Department of the Interior are set forth in full below:

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., February 9, 1965.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In the 88th Congress, your committee had before it for consideration a bill, S. 2733, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control. A similar bill, H.R. 52, has been introduced in this Congress in the House of Representatives.

Enclosed herewith for your information is a copy of our letter responding to a request for views on H.R. 52 from the House Committee on Interior and Insular Affairs. The enclosed letter and recommended substitute bill set forth the administration's position on uniform policies regarding recreation and fish and wildlife enhancement at water resource projects. I will be glad to furnish you with any additional information you may wish to have on this matter.

Sincerely,

ELMER B. STAATS,
Deputy Director.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., February 19, 1965.

HON. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of January 6, 1965, requesting the views of the Bureau of the Budget on H.R. 52, a bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

This bill is identical to H.R. 9032, as reported by your committee in the last Congress. It recognizes that the demands of the American people for all types of recreation, especially water-oriented outdoor recreation, have increased sharply and should be fully considered in the planning and construction of Federal multiple-purpose water resources projects. There is need for uniform policies, including cost sharing and reimbursement policies, in the treatment of recreation and fish and wildlife as part of these projects. H.R. 52 would also provide the Secretary of the Interior with general authority, comparable to that now available to the Department of the Army, for recreation development of projects under his control.

The policies and provisions embodied in H.R. 9032 have been applied to water resources projects in the planning stage from the time it was introduced. The experience in applying these policies in the past year brought to light several difficulties with respect to the cost-sharing provisions. Therefore, we, together with the interested Federal agencies, have carefully reconsidered the problem. The results of this restudy are reflected in the enclosed substitute draft bill which is transmitted for your consideration.

One of the objectives of the draft bill, as well as of H.R. 52, is to encourage non-Federal development and administration of recreation and fish and wildlife enhancement features of water resources projects except where such are appropriate for Federal administration. The bill recognizes that there are non-Federal as well as Federal responsibilities with respect to the provision of outdoor recreation opportunities and fish and wildlife enhancement. We believe the cost-sharing provisions of the draft bill to be equitable. It is anticipated that the Federal construction agencies will work with the States and local governments in the determination of the scale and development of recreation and fish and wildlife enhancement. Thus, these developments can be provided to the extent of non-Federal sharing of the costs of such lands and facilities. Also, the draft bill encourages and provides for transfer of facilities at existing projects to non-Federal interests.

The provisions of the draft bill are not described here but are covered in the enclosed section-by-section analysis of the bill.

Enactment of the draft bill would establish general cost-sharing and reimbursement policy for recreation and fish and wildlife enhancement. The formulation of a general policy to fit every circumstance is made difficult by the great variety among water resources projects—in size, purposes served, and problems encountered. Therefore, the water resources agencies may in some instances recommend departures from the general policy.

The Bureau of the Budget, with the concurrence of the Department of the Interior and the Department of the Army, recommends the enclosed draft bill be substituted for H.R. 52 and that it be enacted. Its enactment would be consistent with the administration's objectives.

Sincerely,

ELMER B. STAATS,
Deputy Director.

A BILL To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress and the intent of this Act that (a) full consideration shall be given to outdoor recreation opportunities and fish and wildlife enhancement where these can be provided or enhanced in the investigation, planning, construction, operation, and maintenance of Federal navigation, flood control, reclamation, hydroelectric, and multiple-purpose water resource projects; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the

use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain and replace facilities provided for those purposes unless such areas or facilities are authorized by law for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

SEC. 2. (a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and to bear not less than one-half the separable costs of the project allocated to recreation and fish and wildlife enhancement and all the costs of operation, maintenance and replacement of recreation and fish and wildlife enhancement lands and facilities: (1) the benefits of the project to recreation and fish and wildlife enhancement shall be taken into account in determining the economic benefits of the project; (2) costs shall be allocated to the purposes of recreation and fish and wildlife enhancement and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means; and (3) not more than one-half the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable. Projects authorized before January 1, 1966, may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of projects authorized pursuant to this section.

(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within 50 years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and if the fee schedule and the portion of fees dedicated to repayment are made subject to review and renegotiation at intervals of not more than 5 years.

SEC. 3. (a) In the absence of an indication of intent as specified in subsection 2(a), facilities or project modifications shall not be provided expressly for recreation and fish and wildlife enhancement; minimum facilities for the public health and safety may be provided at access points provided by roads existing at the time of project construction and roads constructed for the administration and management of the project. For projects authorized pursuant to section 3 hereof, the recreation and fish and wildlife enhancement benefits shall be limited to the number of visitor days and the value per visitor day which would take place on the basis of the provision of minimum facilities for public health and safety, and excluding any additional land which may be acquired expressly to provide for subsequent recreation or fish and wildlife enhancement development as provided under subsection 3(b); for projects authorized pursuant to this subsection, all costs allocated to recreation and fish and wildlife enhancement shall be nonreimbursable.

(b) In the absence of an indication of intent as specified in subsection 2(a), lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project.

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project, which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and will bear not less than one-half the costs of lands, facilities and project modifications provided for those purposes and all costs of operation, maintenance and replacement of recreation and fish and wildlife enhancement facilities, not more than one-half the costs of lands, facilities, and project modifications provided pursuant to paragraph (1) of this subsection may be borne by the United States and such costs shall be nonreimbursable. Such agreement and subsequent development shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of subsection 3(b), the head of the agency having jurisdiction over the project may convey the possession and control of any lands provided pursuant to subsection 3(b) by deed, lease, or otherwise, to any Federal agency, or to any person or non-Federal body, for the purpose of recreation, fish and wildlife enhancement, or use as a summer residence, or for the operation on such lands of pleasure resorts for boating, fishing, or any similar purpose, or for any other purpose which would not conflict with the purposes for which the project was constructed: *Provided*, That no transfer authorized herein, except transfer by conveyance at full market value under the then existing conditions, shall be made without approval of the President of the United States.

SEC. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the costs of operation, maintenance and replacement of existing

facilities serving those purposes, such facilities and appropriate project lands may be transferred to the non-Federal public bodies at no cost.

SEC. 5. Nothing herein shall be construed as preventing or discouraging post-authorization development of any project for recreation and fish and wildlife enhancement by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

SEC. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report on any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Act of 1965 (78 Stat. 897).

(b) Nothing in this Act shall be construed as amending the first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662 (d)), and the second proviso of subsection 2(d) of that Act is hereby repealed.

(c) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed \$28,000,000: *Provided*, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

(d) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended.

(e) Sections 2, 3, 4, and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(f) As used in this Act, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(g) Subsection 6(a)(2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b)(1) of this Act.

(h) All payments and repayment by non-Federal public bodies under the provisions of this Act, and revenue from the conveyance by deed,

lease or otherwise, of lands under subsection 3(b)(2) of this Act, shall be deposited in the Treasury as miscellaneous receipts.

SEC. 7. (a) The Secretary of the Interior is authorized as a part of any water resource development project under his control heretofore or hereafter authorized or reauthorized, except projects or areas within national wildlife refuges, to investigate, plan, construct, operate, and maintain or otherwise provide for public outdoor recreation facilities, to acquire or otherwise to include within the project area such adjacent lands or interests therein as are necessary for present or future public recreation use, to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes, and at projects hereafter authorized or reauthorized, to allocate water and reservoir capacity to recreation. Lands, facilities and project modifications may be provided in accordance with subsection 3(b), hereof, at projects heretofore authorized.

(b) The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease, conveyance, or exchange, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes.

(c) No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation purposes under the authority of this section without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation development of water resource projects or to disposition of public lands for recreational purposes.

SEC. 8. As used in this Act—

(a) The term "project" shall mean a project or any appropriate unit thereof.

(b) The term "cost" shall mean the value of goods and services (land, labor and supplies) used for the establishment, maintenance and operation of the project.

(c) The term "separable costs" shall mean the cost for each project purpose which is the difference between the cost of the multiple-purpose project and the cost of the project with the purpose omitted.

(d) The term "joint costs" shall mean the difference between the cost of the multiple-purpose project as a whole and the total of the separable costs for all project purposes.

SEC. 9. This Act may be cited as the "Federal Water Project Recreation Act".

SECTION-BY-SECTION ANALYSIS

SECTION 1

Section 1 states congressional policy that (a) full consideration shall be given to recreation and fish and wildlife enhancement as purposes of Federal water resources projects; (b) planning with respect to recreation aspects of a project shall be coordinated with existing and planned recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to assume responsibility for management of project areas and facilities, except at those projects or project areas which are appropriate for Federal administration because of other Federal programs.

Areas which may be appropriate for Federal administration include national recreation areas, and areas which are part of the national forest system, part of the public lands classified for retention in Federal ownership, or part of lands administered under an authorized Federal program for the conservation and development of fish and wildlife. The following seven types of areas are included in this last category: wildlife refuges; wildlife ranges; game ranges; waterfowl production areas; wildlife management areas; national fish hatcheries; and areas for the protection and conservation of fish and wildlife that are rare or threatened with extinction.

As used throughout this bill, the term "non-Federal public bodies" includes such public entities as States, counties, municipalities, recreation districts or other special-purpose districts with sufficient authority to participate under the provisions of this bill. The term also includes a combination of two or more of the foregoing entities.

SECTION 2

Subsection 2(a) provides that if non-Federal public bodies express an intent before project authorization, and execute an agreement before initiation of project construction, to administer project land and water areas for recreation and fish and wildlife enhancement and to pay or repay at least one-half the costs of providing lands, facilities, and project modifications and all costs of operation, maintenance and replacement of such lands, facilities, and project modifications which are not integral parts of the Federal project, then the Federal Government will bear all joint costs allocated to recreation and fish and wildlife enhancement and up to one-half of the costs of lands, facilities, and project modifications for those purposes. Project modifications include, for example, the raising of the height of a dam so as to provide increased storage capacity, or the construction of a sub-impoundment in an arm of a reservoir, specifically for recreation or fish and wildlife enhancement.

It is anticipated that under the provisions of the bill the Federal construction agency will work with non-Federal public interests to develop a short- and long-range plan of development for recreation and fish and wildlife enhancement which should be provided at the project. For example, where there is little demand for recreation facilities, such facilities should be provided only to the extent local participation permits.

A statement of intent to participate by non-Federal public bodies is generally required by the bill if provision is to be made specifically for recreation and fish and wildlife enhancement at a project. However, it is not believed desirable to delay authorization of projects on which planning has been completed by further referral of the project report to non-Federal public bodies. Therefore, the bill provides that for projects authorized prior to January 1, 1966, an expression of intent to participate by non-Federal interests will not be required. For all projects, however, an executed agreement to participate will be required prior to initiation of project construction. If, after indicating intent to participate, non-Federal interests do not execute such an agreement, the project would be treated as though there had been no original statement of intent and would be constructed under provisions similar to those contained in section 3.

Under the provisions of subsection 2(b), non-Federal public bodies may pay or repay their share of costs of development (excluding those operation, maintenance and replacement costs which they must bear directly) under either or both of the following methods, as determined appropriate by the head of the agency having jurisdiction over the project: (1) payment, or provision of lands or facilities required by the project, or (2) repayment, within 50 years, with interest at a rate comparable to that for other interest-bearing functions of water resource projects. The source of repayment under (2) may be limited to a portion of the entrance and user fees collected at the project by non-Federal interests. The fee schedule and the percentage of the fees dedicated to repayment of the non-Federal share shall be established, and periodically reviewed to achieve repayment in the period specified.

The latter provision allows non-Federal interests, if they so desire, to discharge their obligation to repay by charging fees to the recreation user and applying a portion of the fee toward repayment while applying the remaining portion toward their operation and maintenance costs.

SECTION 3

Subsection 3(a) recognizes that in some areas non-Federal interests may not want to participate in a project because they have sufficient recreation and fish and wildlife developments or because of other reasons. In such cases, water resources projects would not be held back because of the lack of non-Federal participation in recreation and fish and wildlife enhancement. In those instances, no facilities or project modifications would be provided expressly for recreation and fish and wildlife enhancement. The likelihood that a project, even without recreation facilities, may be utilized for recreation is recognized. However, it is believed that the recreation and fish and wildlife benefits would be minimal under these circumstances. Any costs allocated to recreation and fish and wildlife enhancement under these conditions would be nonreimbursable.

Since some recreational use of a project is anticipated even without recreation facilities, the bill provides for facilities for public health and safety. These facilities would include guard rails, turnarounds at the ends of roads, and minimum sanitary facilities. Parking, picnicking, swimming, or camping areas or facilities, or more elaborate sanitary facilities would not be provided under this subsection.

Most water resources projects provide some potential for recreation or fish and wildlife enhancement. For this reason, subsection 3(b) provides for the acquisition or provision of lands in connection with any project to preserve this recreation or fish and wildlife enhancement potential even where there is no indication of intent of non-Federal cost sharing as specified in subsection 2(a). If, within 10 years after initial operation of the project, non-Federal interests desire to develop the recreation or fish and wildlife potential and agree to bear one-half the cost of the land, facilities, and any project modification for these purposes, and all costs of operation, maintenance, and replacement, then the development of the recreation and fish and wildlife enhancement potential could be undertaken pursuant to a plan of development. The Federal Government would bear up to one-half the costs of the land, facilities, and project modifications for those purposes. If such an agreement is not obtained, the construction agency would be authorized to dispose of the land by sale, lease, or in some other manner, to any person or non-Federal body after determining that such land is not required by another Federal agency. Disposal may be made for recreation, fish and wildlife enhancement, or for any other purpose as long as such use does not conflict with the purposes for which the project was constructed.

SECTION 4

To encourage non-Federal administration of the recreation and fish and wildlife enhancement features at existing Federal water resources projects (completed or under construction), the bill would authorize Federal water resource agencies to transfer recreation and fish and wildlife enhancement facilities, and appropriate project lands, at no cost to non-Federal public bodies if they agree to administer the facilities and to bear the costs of operation, maintenance and replacement of such lands and facilities.

SECTION 5

Section 5 makes it clear that incremental or subsequent development of recreation and fish and wildlife enhancement at any project shall not be discouraged. Other programs, as under the Land and Water Conservation Fund Act of 1965, could be used to develop recreation at projects that are not developed in accordance with other provisions of this bill. Development under such conditions will not, however, provide a basis for allocation or reallocation of any project costs to recreation and fish and wildlife enhancement.

SECTION 6

Subsection 6(a) provides that the views of the Secretary of the Interior, developed in accordance with the organic act of the Bureau of Outdoor Recreation, shall be included in each project report. The Secretary's report would indicate the extent to which the proposed

project is in accord with the State comprehensive recreation plan developed pursuant to the Land and Water Conservation Act of 1965.

Subsection 6(b) confirms the limitations of the first proviso of subsection 2(d) of the Fish and Wildlife Coordination Act (72 Stat. 563; 16 U.S.C. 622(d)) with respect to measures for the enhancement of fish and wildlife properly includable in a Federal water resource project; it repeals the second proviso of that subsection of the Fish and Wildlife Coordination Act, which applies to projects constructed under reclamation law. The effect of the repeal of the second proviso is twofold: First, it will result in the costs of mitigation of project-occasioned damage to fish and wildlife being distributed among all project purposes the same as any other project cost; and, second, it will terminate the reimbursement policy for costs allocated to fish and wildlife enhancement now set out in the Fish and Wildlife Coordination Act so that the reimbursement policy established by this bill may take effect.

Subsection 6(c) places a limitation of \$28 million on water resource project funds that may be expended for land acquisition to accomplish the Federal Government's obligations to conserve and protect migratory waterfowl. These expenditures are in addition to those made from the migratory bird conservation fund for migratory waterfowl refuges. The \$28 million limitation applies only to expenditures for acquisition of lands or interests in lands which would otherwise not be acquired, when they are acquired at a water resource project for incorporation into a migratory waterfowl refuge. The limitation specifically does not apply to expenditures for the mitigation of damages to migratory waterfowl, since that is properly a project cost to be allocated to project purposes in the same manner as any other project cost.

Subsection 6(d) provides that the bill shall not apply to the Tennessee Valley Authority, nor to projects constructed under the authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended. It is believed that cost sharing and reimbursement requirements for recreation and fish and wildlife enhancement at small reclamation projects should be considered in relation to such requirements as now exist at watershed protection projects.

The Tennessee Valley Authority believes it has adequate authority to plan for, evaluate benefits from, and allocate costs to recreation and fish and wildlife enhancement in connection with multiple-purpose projects. TVA believes that the bill contains language which is inappropriate for TVA, for example, the requirement that the views of the Secretary of the Interior be included in any report concerning a project within the bill's purview. While TVA consults and cooperates with other Federal agencies, TVA believes it must as a unified development agency take full responsibility for all phases of projects which it plans and constructs. This was recognized in TVA's exemption from the Fish and Wildlife Coordination Act. Furthermore, the general policy of the Tennessee Valley Authority is not to provide recreation facilities at Federal cost but to transfer lands adjacent to reservoirs to non-Federal bodies for recreation development and management. The TVA has been quite successful in this policy.

Subsection 6(e) provides that such projects as local nonreservoir flood control, beach erosion control, small boat harbor, and hurricane

protection projects shall be excluded from the cost-sharing and reimbursement provisions of the bill because existing policies cover these projects. Cost sharing shall not be required for project areas that are appropriate for Federal administration.

Subsection 6(f) states that the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

Subsection 6(g) provides that the provision of the Land and Water Conservation Fund Act of 1965 which calls for the use of the fund to help offset the capital costs of recreation at Federal projects shall not be applied to projects at which non-Federal interests execute an agreement to share development costs and to bear the costs of operation and maintenance. The reason for this provision is that Federal recreation fees will not be charged at these projects. The offset provision would apply, however, to the capital costs of projects where non-Federal interests do not assume responsibility for the administration of project areas for recreation.

Subsection 6(h) provides that all moneys received (payments, repayments, or revenue from conveyance of land) under the terms of this bill shall be deposited in the miscellaneous receipts of the Treasury.

SECTION 7

The purpose of section 7 is to provide the Secretary of the Interior with authority similar to that already available to the Secretary of the Army. Since 1944 the Department of the Army has had basic statutory authority to provide recreation development at reservoir projects under its control; in 1962 this authority was expanded to embrace water resource development projects generally (section 4 of the act of December 22, 1944, as amended; 16 U.S.C. 460(d)). On the other hand, only piecemeal authority exists for certain individual projects under the control of the Department of the Interior. A notable example of this project-by-project approach is section 8 of the Colorado River Storage Project Act of 1956 (70 Stat. 105; 43 U.S.C. 620(g)). Enactment of the proposed legislation will fill in the statutory gaps and permit the realization of potential returns on recreation resources created by public investment in the development of water resource projects of the Department of the Interior.

Subsection 7(a) provides that the Secretary of the Interior may plan, construct, operate, and maintain, or otherwise provide for public outdoor recreation facilities, and acquire land for such purpose, at any existing or hereafter authorized or reauthorized project. In addition, at projects hereafter authorized or reauthorized, he may also allocate water and reservoir capacity to recreation. Lands, facilities and project modifications may be provided at existing projects only if non-Federal public bodies agree to administer the project lands and water areas for recreation and to bear costs in accordance with section 2.

Subsection 7(b) authorizes the Secretary of the Interior to transfer to other Federal agencies or State or local bodies, project lands and facilities for operation and maintenance for recreation purposes.

Subsection 7(c) provides that, with the consent of the Federal agency having jurisdiction over lands required for recreation purposes at any project, such Federal agency is authorized to transfer lands so required to the Secretary of the Interior. The latter is also authorized to transfer to the Secretary of Agriculture project lands and facilities for recre-

ation purposes when such project lands are adjacent to or within national forests, and such transfer shall be made, unless the Secretaries jointly agree otherwise, when the project is wholly within the exterior boundaries of a national forest. Any lands so transferred shall become national forest lands, but to the extent required for operation of the project for purposes other than recreation, the lands shall be administered by the Secretary of the Interior.

SECTIONS 8 AND 9

Section 8 defines terms used in the bill.

Section 9 provides that the bill may be cited as the "Federal Water Project Recreation Act."

U.S. DEPARTMENT OF THE INTERIOR,

OFFICE OF THE SECRETARY.

Washington D.C., March 19, 1965.

HON. HENRY M. JACKSON.

*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.*

DEAR SENATOR JACKSON: This responds to your request for the views of the Department of the Interior on S. 1229, a bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

We strongly recommend enactment of the bill, which was transmitted to the Congress by the Administration on February 19, 1965.

The Nation's needs for outdoor recreation opportunities have mushroomed in recent years as our population and available leisure have burgeoned. Growing recreation use of Federal reservoirs is only one indication of these increasing recreation demands. This intensive recreation use demonstrates that many recreation needs—particularly those for fishing, hunting, and water-oriented recreation—can be met satisfactorily and economically through appropriate development and management of Federal water resource developments. Recognition of this fact has prompted the quest of the past 2 years for a viable uniform policy to insure that proper recreation development of Federal water resource projects is achieved on terms that are equitable to all interests that share in the costs and benefits of Federal multiple-purpose projects. In our judgment S. 1229 would establish such a policy, and we strongly endorse the bill. It would close vexing questions which have troubled both the Congress and the resource agencies of the executive branch ever since it became apparent that recreation should have coequal status as a purpose of Federal water resource projects.

S. 1229 is a complementary measure to the Land and Water Conservation Act of 1965, the landmark recreation achievement of the 88th Congress. It would establish policy for a joint Federal-non-Federal effort to provide for recreation at water resource projects under ground rules that parallel those governing the joint Federal-State recreation effort under the Land and Water Conservation Fund Act. In addition to setting uniform policy for the treatment of recreation and fish and wildlife costs and benefits, S. 1229 would

provide the Secretary of the Interior with long overdue authority to develop water resource projects under his jurisdiction for recreation.

The following interpretations and comments on S. 1229 are offered on behalf of the Department of the Interior.

Section 1 of the bill states the policy of the Congress respecting planning and providing for outdoor recreation and fish and wildlife enhancement at Federal water resources projects. This policy is that full consideration shall be given to those purposes and that planning of Federal projects shall be directed toward the realization of the recreation and fish and wildlife enhancement potential of the project within a coordinated plan that considers all recreation development.

Section 1(c) recognizes that on some projects Federal management for recreation and fish and wildlife enhancement purposes will be appropriate, and, equally important, recognizes the proper role of States and other non-Federal public bodies in managing Federal project land and water areas for those purposes. Project planning in the Department of the Interior will be conducted in accordance with these policies, with provision for Federal administration or encouragement of non-Federal administration in accordance with the precepts of the bill. Three points should be made regarding section 1(c). The first is that planning agencies such as the Bureau of Outdoor Recreation and the Bureau of Sport Fisheries and Wildlife, as well as construction agencies, will be involved in coordinating and planning recreation and fish and wildlife enhancement developments. Likewise, the role of encouraging non-Federal bodies to administer project land and water areas for recreation and fish and wildlife enhancement is not expected to be limited to project construction agencies. Second, we believe that section 1(c) should not be read to require exclusive Federal management of national recreation areas. The Recreation Advisory Council has envisioned joint Federal-non-Federal operation and management of national recreation areas under some circumstances. Some national recreation areas may be proposed for authorization on that basis; cost-sharing arrangements would have to be tailored to the situation. Third, we interpret the words "public lands classified for retention in Federal ownership" in line 14, page 2, as including lands so classified under the Classification and Multiple Use Act of September 19, 1964 (78 Stat. 986), or subsequently so classified after expiration of that act.

The references throughout the bill to non-Federal public bodies would be construed to include such agencies as irrigation districts, recreation districts, conservancy districts, and public utility districts, as well as State and local governments. Also, the management and cost-sharing responsibilities on a given project may be shared among several non-Federal public bodies.

A printing error in subsection 3(b) casts doubt upon the meaning of paragraphs 3(b)(1) and 3(b)(2). These paragraphs state the alternative for dealing with lands provided pursuant to subsection 3(b) and not limitations upon the authority to provide such lands. To make this clear a period should be substituted for the dash after the word "project" in line 11, page 5, and the word "if" in line 12, page 5, and line 5, page 6, should be capitalized. Another ambiguity in paragraph 3(b)(1) is found in lines 22, 23, and 24 of page 5; this

paragraph would be more clear if these lines were changed to read as follows: "than one-half the costs of lands provided pursuant to this subsection, and facilities and project modifications provided pursuant to the plan of development may be borne by the United States and". We interpret the phrase "lands may be provided" in subsection 3(b) to mean that lands may be acquired, accepted as donations or, in the case of public lands, withdrawn and reserved in order to preserve the indicated recreation and fish and wildlife potential of the project. We expect to continue to follow the present joint Army-Interior reservoir land acquisition policy in providing recreation and fish and wildlife enhancement lands at projects under this Department's jurisdiction.

As the section-by-section analysis transmitted on February 19, 1965, by the administration provides, lands subject to disposition under paragraph 3(b)(2) of the bill would be offered first to Federal agencies and, if such lands are not required by a Federal agency, to non-Federal entities or private persons for purposes not in conflict with the project.

As a matter of precise draftsmanship, the words "pursuant to this section" should be substituted for the words "pursuant to section 3 hereof" in lines 22 and 23 on page 4. Also, the word "fair" should be substituted for the word "full" in line 19, page 6; "fair market value" is a well understood term of art that should be retained in this context.

The second sentence of section 6(a) of the bill is designed to apply only to the recreational aspects of developments for fish and wildlife enhancement and to insure that those aspects be considered in relation to the State comprehensive recreation plans developed under the Land and Water Conservation Act of 1965. The views and recommendations of the Secretary of the Interior with respect to fish and wildlife conservation and development would continue to be an integral part of water resource projects reports as now required by the Fish and Wildlife Coordination Act.

To make it clear that facilities recommended in project reports for fish and wildlife enhancement may be provided in accordance with the terms of the bill, section 6(b) should be revised to read as follows:

(b) The first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)) is amended to read as follows: "*Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities." The second proviso of subsection 2(d) of said act is hereby repealed.

Such facilities might include small impoundments, spawning channels, and residences for wildlife area managers.

The Deputy Director of the Bureau of the Budget pointed out in his letter of February 19, 1965, that,

"Enactment of [S. 1229] would establish general cost-sharing and reimbursement policy for recreation and fish and wildlife enhancement. The formulation of a general policy to fit every circumstance is made difficult by the great variety among water resources projects—in size, purposes served, and problems encountered. Therefore, the water

resources agencies may in some instances recommend departures from the general policy."

We too recognize that in this complex field general legislation cannot anticipate the diversities that will be encountered. For example, problems may arise in maintenance of streamflow for downstream fishing enhancement—perhaps across State boundaries. Also, the bill contemplates administration of project areas and cost-sharing by non-Federal public bodies. In the absence of a governmental or quasi-governmental agency to undertake these obligations a project might be proposed for full management and cost-sharing by a non-profit private organization if full public access could be provided.

Finally, the bill does not purport to cover project recreation and fish and wildlife enhancement costs where Federal administration for those purposes is appropriate. In such cases, our project formulation will be on the basis that all costs allocated to those purposes would be nonreimbursable.

The Bureau of the Budget has advised that there would be no objection to the presentation of this report, and that enactment of S. 1229 would be consistent with the administration's objectives.

Sincerely yours,

KENNETH HOLUM,
Assistant Secretary of the Interior.

SEPARABLE COSTS-REMAINING BENEFITS METHOD OF COST ALLOCATION

Definition and purpose of cost allocation.

Cost allocation, in multiple-purpose water resource projects, involves the division of the cost of the project among the purposes served. Cost allocations are necessary because the requirements for reimbursement in the Federal water resource development program vary from one function to another—the costs of some functions are nonreimbursable, some are reimbursable with interest, and irrigation costs are reimbursable without interest.

Derivation of separable costs-remaining benefits procedure

Prior to the adoption of the separable costs-remaining benefits method of cost allocation several other procedures had been employed by the various agencies engaged in the water resource development program. It was found through experience that these procedures were unsuitable for one reason or another and consequently they were abandoned in favor of the separable costs-remaining benefits procedure. Even though such procedures are no longer used, knowledge of them is essential to an understanding of the separable costs-remaining benefits procedure.

Allocations based on physical criteria

The methods of cost allocation initially employed by the Bureau of Reclamation were based upon physical criteria such as "use of space" or "water released." However, it was found that such methods of allocation did not properly measure the extent of use by the various functions involved. For instance, space reserved for flood control might be used only once in 20 years whereas space used for irrigation might be used annually. The physical approach to cost allocation was also unsatisfactory in that it did not provide a common denomi-

nator for all functions involved. As an example, wildlife benefits might be achieved without the actual release of water, whereas, the benefits to other functions such as irrigation, power, and flood control, would require either the release of water or the availability of storage space. Therefore, it was impossible to use physical criteria such as use of storage space as a common denominator for all functions involved in a multiple-purpose project.

Allocations based upon economic criteria

In recognition of the limitations inherent in the physical approach to cost allocation, attention was turned to the possibility of using an approach based upon benefits. From a theoretical point of view, there is much in favor of allocations based upon the benefit approach. Such an approach not only measures the extent of use but it also provides a common denominator for all functions involved. However, this approach does not recognize the possibility of securing comparable benefits at less cost through alternative means. To meet this shortcoming, the alternative justifiable expenditure method of cost allocation was developed.

The alternative justifiable expenditure method

The alternative justifiable expenditure method limits the allocation to any function to the justifiable expenditure which is the lesser of the benefits or the cost of securing the same benefit through the most likely alternative means. After determining the justifiable expenditure, the specific costs (costs that serve only one function such as the cost of irrigation ditches, power generators, or flood control outlet works) are subtracted from the total justifiable expenditure to secure the remaining justifiable expenditure which is then used as the basis for allocating the costs of the facilities serving more than one function (joint costs). While this method of cost allocation met the objections inherent in those procedures based solely on benefit or physical criteria, it involved other aspects which were objectionable.

This procedure depends on the arbitrary segregation of facilities into joint (those which serve more than one function) and into specific (those which serve only a single function). In this procedure, the entire cost of the dam and reservoir is considered as a joint facility even though there may be dead storage which provides only power head, or exclusive storage space which serves only a single function such as flood control or irrigation. Also, in the application, it is assumed that imbedded penstocks in the dam or a powerhouse constructed in the dam are specific power facilities even though the elimination of such facilities would not result in a saving equal to the cost of the facilities removed. For example, if such facilities were removed, the voids left would have to be filled.

Thus, the joint costs used under the alternative justifiable expenditure method may include, for example, that part of the storage capacity used exclusively for a single function. Also, the true cost of the specific facilities may be less than the cost normally regarded as the cost of specific facilities.

An example of an allocation based upon the alternative justifiable expenditure approach is presented in table I.

TABLE I.—*Alternative justifiable expenditure method of cost allocation (Project A)*

Items	Function				Total
	Irrigation	Power	Flood control	Fish and wildlife	
Costs to be allocated.....					¹ \$2, 986, 796
1. Annual benefits.....	\$2, 299, 000	\$2, 501, 773	\$2, 374, 000	\$50, 000	
2. Alternate annual costs.....	1, 731, 530	2, 817, 734	1, 829, 500	(2)	
3. Justifiable expenditure.....	1, 731, 530	2, 501, 773	1, 829, 500	50, 000	6, 112, 803
4. Specific costs.....	0	1, 116, 088	0	0	1, 116, 088
5. Remaining justifiable expenditure.....	1, 731, 530	1, 385, 685	1, 829, 500	50, 000	4, 996, 715
6. Proportion (percent).....	34.65	27.73	36.61	1.01	100
7. Allocation of joint costs.....	\$648, 201	\$518, 747	\$684, 866	\$18, 894	\$1, 870, 708
8. Total allocation.....	648, 201	1, 634, 835	684, 866	18, 894	2, 986, 796

¹ This is composed of the following costs:

Items	Total	Annual
Construction.....	\$62, 407, 000	\$2, 425, 457
Interest during construction.....	4, 614, 400	179, 339
Operation and maintenance.....		190, 000
Replacement cost.....		192, 000
Total.....		2, 986, 796

² Obviously exceeds benefits.

NOTES

Line 3 is the lower of the annual benefit or the annual cost.

Line 5 is line 3 less line 4.

Line 6 is calculated by dividing remaining justifiable expenditure for each function by the total of the remaining justifiable expenditure.

Line 7 is calculated allocating the joint cost (\$1,870,708) on the basis of the percentages in line 6.

Line 8 equals the summation of lines 4 and 7.

Project A which is used to illustrate the application of the alternative justifiable expenditure method of cost allocation involves a dam and reservoir which serves irrigation, power, flood control, and fish and wildlife. The reservoir has 1,400,000 acre-feet of storage capacity of which 1,200,000 is active, 155,000 is inactive, and the balance of 45,000 is dead storage. The active space is used jointly for irrigation, power, and flood control. The inactive space is used for power head; it also provides a head for the irrigation outlets, thus making it possible to use smaller outlets than would otherwise be required to release the flows required for irrigation during periods of minimum irrigation storage. The 45,000 acre-feet of dead storage is used for power head and as a conservation pool for fish and wildlife. The powerplant which is housed in a powerhouse built below the dam, has an installed capacity of 114,000 kilowatts. The power penstock in the dam and the powerhouse and powerplant are single-purpose power facilities. All other facilities are joint use.

To determine the justifiable expenditure under the alternative justifiable expenditure approach, it is necessary to convert all costs and benefits to a common time basis so they will be comparable. The annual benefits and operating costs can be capitalized so they will be on the same capital basis as the interest during construction and construction costs; or the interest during construction and the construction costs can be amortized to put them on an annual basis so they will be on the same annual basis as the annual benefits and operating costs. Regardless of whether capital sums are converted to annual

sums or annual sums are converted to capital sums, it is necessary to use annuity factors which involve a number of years and interest rates. For this purpose, the Bureau of Reclamation normally uses 100 years and 2½ percent interest.

Separable costs-remaining benefits method

The separable costs-remaining benefits method of cost allocation was developed in order to meet the shortcomings of the alternative justifiable expenditure method. Basically, the separable costs-remaining benefits procedure is the same as the alternative justifiable expenditure method. It differs only in the approach to the identification of specific and joint costs. Under the separable costs-remaining benefits procedure, the separable cost is the amount that will be saved if a particular function is eliminated from the multiple-purpose project. Under this concept, the storage space provided in a multiple-purpose reservoir to serve only flood control or the dead storage provided for power head is considered as a separable cost of flood control or power respectively.

The amount of the cost included in the multiple-purpose project to serve only a given function (separable cost) is identified by subtracting the cost of the project without that function from the cost of the multiple-purpose project including all functions. By this process, the cost traceable to the inclusion of a specific function (the separable cost) can be identified. Under this approach, the entire dam and reservoir is no longer a joint facility. Various parts of it may become "separable costs" associated with specific functions. The "joint" cost under the separable costs-remaining benefits procedure thus becomes the cost that remains after identifying and subtracting the separable cost for each function.

It should be noted that the "separable cost" and "joint cost" used in the separable costs-remaining benefits allocation procedure are not necessarily associated with any particular physical facility. The terms refer only to "costs added" and "costs remaining."

An example of an allocation based upon the separable costs-remaining benefits procedure is presented in table II. This illustration is based upon the same project allocated by the alternative justifiable expenditure approach and presented in table I.

TABLE II.—*Separable costs-remaining benefits method of cost allocation (project A)*

Items	Function				Total
	Irrigation	Power	Flood control	Fish and wildlife	
Costs to be allocated.....					¹ \$2,986,796
1. Annual benefits.....	\$2,299,000	\$2,501,773	\$2,374,000	\$50,000	
2. Alternate annual cost.....	1,731,530	2,817,734	1,829,500	(²)	
3. Justifiable expenditure.....	1,731,530	2,501,773	1,829,500	50,000	6,112,803
4. Separable costs.....	0	1,146,876	61,645	0	1,208,521
5. Remaining benefits.....	1,731,530	1,354,897	1,767,855	50,000	4,904,282
6. Proportion (percent).....	35.30	27.63	36.05	1.02	100
7. Allocation of remaining joint cost.....	\$627,732	\$491,337	\$641,068	\$18,138	\$1,778,275
8. Total allocation.....	\$627,732	\$1,638,213	\$702,713	\$18,138	\$2,986,796

¹ This is composed of the following costs:

Items	Total	Annual
Construction.....	\$62,407,000	\$2,425,457
Interest during construction.....	4,614,400	179,339
Operation and maintenance.....		190,000
Replacements.....		192,000
Total.....		2,986,796

² Obviously exceeds benefits.

NOTES

Line 3 is the lower of the annual benefit or the annual cost.

Line 4 is the amount that can be saved by the elimination of any function.

Line 5 is line 3 less line 4.

Line 6 is calculated by dividing remaining benefit for each function by total remaining benefit.

Line 7 is calculated by allocating the remaining joint cost (\$1,778,275) on the basis of the percentages in line 6.

Line 8 equals the summation of lines 4 and 7.

Under the separable costs-remaining benefits procedure, the actual steps in the allocation procedure are the same as those in the alternative justifiable expenditure approach down through the determination of the justifiable expenditure. In line 1, the average annual benefits for each function are indicated. The annual costs of the most likely alternative are presented in line 2. The justifiable expenditure (line 3) is the smaller of the two. This is accepted as the limit on the total allocation to any function because it would be irrational to allocate more to a function than the benefits for that function would support or more than it would cost to accomplish the same objective through alternative means.

From the justifiable expenditure of the separable costs are subtracted. The separable costs represents the minimum allocation to any function as each function should have allocated to it any cost that has been added to the project as a result of adding that particular function. This allocation procedure presumes that a function would not have been added unless the justifiable expenditure was at least equal to or greater than the separable cost.

After determining the separable costs for all functions, the summation of these costs are then subtracted from the total project cost to secure the remaining joint cost. This remaining joint cost is then allocated to all functions in proportion to the remaining benefits (justifiable expenditure less separable costs). The total allocation to any function is composed of the separable cost and that part of the remaining joint cost allocated to that function.

Comparison of alternative justifiable expenditure and separable costs-remaining benefits procedure

Under the separable costs-remaining benefits allocation method, it will be observed that there are \$61,645 of separable costs for flood control, whereas, there are no specific flood control costs under the alternative justifiable expenditure approach. The elimination of flood control to determine its separable cost, in the example used, would have made possible a reduction in the size of the outlets since the requirement for passing streamflow, to maintain available space or the requirement for the evacuation of space in anticipation of floodflows, would both have been eliminated. On the other hand, the elimination of the outlet capacity would have necessitated a larger spillway to protect the structure and pass the peak floodflows anticipated. The enlargement in the spillway "used up" most of the savings resulting from the elimination of flood control as a function. The remaining savings, however, represent a separable cost for flood control.

The separable cost for power (\$1,146,876) is slightly higher than the specific cost (\$1,116,088). In this case, the project facilities included a construction village and a communication system. The difference in the separable power and specific power costs is entirely due to the treatment of the village and the communications system as a joint facility under the alternative justifiable expenditure approach, whereas, a part of the cost of the village and the communications system was considered as a separable cost under the separable cost-remaining benefits procedure.

As a result of the combined separable cost which is (\$92,433) higher than the specific costs, the remaining joint costs used in the separable cost-remaining benefits procedure is that much less than the conventional joint costs used in the alternative justifiable expenditure method.

Other aspects of separable costs-remaining benefits method

The example used in the illustration is relatively simple. As more functions are added to a multipurpose project they are generally handled in the same manner. However, fish and wildlife and recreation are exceptions to this general rule. The allocation to fish and wildlife is treated in two parts. The cost of mitigation is, in compliance with the Coordination Act of 1958, simply subtracted from the total project costs and assigned directly to that function. This cost is not run through the allocation. On the other hand, enhancement to fish and wildlife is treated exactly like the other functions as indicated in tables I and II. The minimum basic recreation facilities included in any project proposal are handled in the same manner as the cost of mitigating damage to fish and wildlife. That is, the costs are assigned directly to that function and are not actually run through the allocation.

There are many other aspects involved in the separable costs-remaining benefits method of cost allocation including such things as:

1. Concurrent allocation of construction costs; interest during construction; annual operating cost; taxes foregone; and uncompensated damages,
2. The reconstruction of the amounts allocated to the various functions in terms of the conventional joint and specific costs,

3. The details and assumptions involved in the application of the procedure.

However, since it is not necessary to understand these related matters in order to understand the theory involved in the separable costs-remaining benefits method of cost allocation, the ramifications recognized above are not being presented here.

Appraisal of the separable costs-remaining benefits method

From a theoretical point of view, the separable costs-remaining benefits method of cost allocation is the most logical procedure that has been devised. Theoretical consistency in the application of the method requires that estimates of benefits for the various functions involved be on a comparable basis. This, however, is not the case and this constitutes the major shortcomings of the separable costs-remaining benefits method of cost allocation. The benefits accruing to the various functions normally involved in a multiple-purpose water resource development project are measured on different theoretical bases. For instance, irrigation benefits are based upon increases in net farm income while power and municipal water benefits are based upon alternative costs. Flood control benefits are based upon damages prevented and fish and wildlife benefits are based upon either alternative costs or consumer expenditures.

If the procedure is applied in a manner consistent with its underlying theory, many detailed studies are required. For instance, a multiple-purpose project involving four functions requires four separate estimates of project costs—one for each situation with one function eliminated—in order to determine the separable costs of each function. Such studies are expensive and consequently there is an inclination to shortcut many of them. Even where there is no such inclination, the procedure is so complicated that it is difficult to apply in a manner consistent with the underlying assumptions.

When this method of cost allocation was adopted, it was believed that it would bring all cost allocations into alignment and uniformity. It has developed that this has not necessarily been so. There are many questions of interpretation involved in the procedure which have resulted in a lack of uniformity in the application of the method.

The procedure rests on the assumption that the project has been formulated in a manner consistent therewith and that the separable costs never exceed the justifiable expenditure. It, therefore, follows where projects have not been formulated in this manner, the procedure does not give reasonable results. This has been the case in many existing projects where it has been applied.

In regards to the procedure, it should be understood that the amount of the allocation to any function involved in a given project depends largely upon the relative justifiable expenditure, which is, as previously indicated, the smaller of the benefits or the alternative single-purpose cost. In order to illustrate this, a second allocation under the separable-cost remaining benefits allocations is presented in table III. This allocation represents a project in the Great Plains where there are limited opportunities for aquatic forms of recreation, including fishing and consequently a great demand for them. For that reason, the fish and wildlife benefits and consequently the justifiable expenditure for fish and wildlife are relatively high compared to the project represented by tables I and II which is in the Pacific Northwest in an area of

abundant fish and wildlife resources. These relationships are illustrated in the following tabulation:

[In percent]

Items	Project	
	A	B
Relative justifiable expenditure for fish and wildlife.....	0.8	25.9
Relative allocation of costs to fish and wildlife.....	.6	25.7

The percentage of the total cost allocated to any given function varies from project to project depending upon the particular circumstances of each project.

TABLE III.—*Separable costs-remaining benefits method of cost allocation (project B)*

Items	Functions			Total
	Municipal and industrial water	Flood control	Fish and wildlife	
Annual costs to be allocated.....				\$527,500
1. Annual benefits.....	\$470,600	\$357,000	\$289,800	
2. Alternate annual costs.....	470,600	394,100	453,600	
3. Justifiable expenditure.....	470,600	357,000	289,800	
4. Separable costs.....	35,150	55,300	29,100	119,550
5. Remaining benefits.....	435,450	301,700	260,700	997,850
6. Proportion (percent).....	43.64	30.24	26.12	100.00
7. Allocation of remaining joint costs.....	\$178,029	\$123,364	\$106,557	\$407,950
8. Total allocation.....	213,179	178,664	135,657	527,500

Definitions

As a matter of summary and to provide a reference for future use, the terminology used in the separable costs-remaining benefits cost allocation procedure is defined below.

1. *Justifiable expenditure*.—This is the lesser of the benefits or alternative costs. It places the maximum limitation on the allocation to any function because an allocation to any function in excess of the benefits or alternative cost would not be justified.

2. *Separable costs*.—These are the costs that have been added to a multipurpose project to specifically serve a given function. This is the minimum allocation to any function. They are calculated by deducting the cost of the project without the function involved from the total costs of the multipurpose project including all functions.

3. *Remaining benefit*.—This is the justifiable expenditure less the separable costs. It is the amount of benefits (justifiable expenditure) that is associated with the remaining joint costs and is used as the basis of allocating the remaining joint costs.

4. *Remaining joint costs*.—This is that part of the cost of the project that remains after subtracting the separable costs for all functions.

5. *Specific costs*.—These are identifiable physical facilities which serve only a single function.

6. *Joint costs (conventional)*.—These are identifiable physical facilities which serve more than one function and among other things

normally include all the dam and reservoir in a multiple-purpose project.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, S. 1229, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 12, 1958 (72 STAT. 563; 16 U.S.C. 662(d))

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 10, 1934, as amended, and as further amended by this Act may be cited as the "Fish and Wildlife Coordination Act".

SEC. 2. The first four sections of the Act entitled "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934 (16 U.S.C., secs. 661-664, inclusive) are amended to read as follows:

"For the purpose of recognizing the vital contribution of our wildlife resources to the Nation, the increasing public interest and significance thereof due to expansion of our national economy and other factors, and to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation for the purposes of this Act in the United States, its Territories and possessions, the Secretary of the Interior is authorized (1) to provide assistance to, and cooperate with, Federal, State, and public or private agencies and organizations in the development, protection, rearing, and stocking of all species of wildlife, resources thereof, and their habitat, in controlling losses of the same from disease or other causes, in minimizing damages from overabundant species, in providing public shooting and fishing areas, including easements across public lands for access thereto, and in carrying out other measures necessary to effectuate the purposes of this Act; (2) to make surveys and investigations of the wildlife of the public domain, including lands and waters or interests therein acquired or controlled by any agency of the United States; and (3) to accept donations of land and contributions of funds in furtherance of the purposes of this Act.

"SEC. 2. (a) Except as hereafter stated in subsection (h) of this section, whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency first shall consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the impoundment, diversion, or other

control facility is to be constructed, with a view to the conservation of wildlife resources by preventing loss of and damage to such resources as well as providing for the development and improvement thereof in connection with such water-resource development.

“(b) In furtherance of such purposes, the reports and recommendations of the Secretary of the Interior on the wildlife aspects of such projects, and any report of the head of the State agency exercising administration over the wildlife resources of the State, based on surveys and investigations conducted by the United States Fish and Wildlife Service and such State agency for the purpose of determining the possible damage to wildlife resources and for the purpose of determining means and measures that should be adopted to prevent the loss of or damage to such wildlife resources, as well as to provide concurrently for the development and improvement of such resources, shall be made an integral part of any report prepared or submitted by any agency of the Federal Government responsible for engineering surveys and construction of such projects when such reports are presented to the Congress or to any agency or person having the authority or the power, by administrative action or otherwise, (1) to authorize the construction of water-resource development projects or (2) to approve a report on the modification or supplementation of plans for previously authorized projects, to which this Act applies. Recommendations of the Secretary of the Interior shall be as specific as is practicable with respect to features recommended for wildlife conservation and development, lands to be utilized or acquired for such purposes, the results expected, and shall describe the damage to wildlife attributable to the project and the measures proposed for mitigating or compensating for these damages. The reporting officers in project reports of the Federal agencies shall give full consideration to the report and recommendations of the Secretary of the Interior and to any report of the State agency on the wildlife aspects of such projects, and the project plan shall include such justifiable means and measures for wildlife purposes as the reporting agency finds should be adopted to obtain maximum overall project benefits.

“(c) Federal agencies authorized to construct or operate water-control projects are hereby authorized to modify or add to the structures and operations of such projects, the construction of which has not been substantially completed on the date of enactment of the Fish and Wildlife Coordination Act, and to acquire lands in accordance with section 3 of this Act, in order to accommodate the means and measures for such conservation of wildlife resources as an integral part of such projects: *Provided*, That for projects authorized by a specific Act of Congress before the date of enactment of the Fish and Wildlife Coordination Act (1) such modification or land acquisition shall be compatible with the purposes for which the project was authorized; (2) the cost of such modifications or land acquisition, as means and measures to prevent loss of and damage to wildlife resources to the extent justifiable, shall be an integral part of the cost of such projects; and (3) the cost of such modifications or land acquisition for the development or improvement of wildlife resources may be included to the extent justifiable, and an appropriate share of the cost of any project may be allocated for this purpose with a finding as to the part of such allocated cost, if any, to be reimbursed by non-Federal interests.

“(d) The cost of planning for and the construction or installation and maintenance of such means and measures adopted to carry out the conservation purposes of this section shall constitute an integral part of the cost of such projects: **[Provided, That such cost attributable to the development and improvement of wildlife shall not extend beyond those necessary for (1) land acquisition, (2) modification of the project, and (3) modification of project operations; but shall not include the operation of wildlife facilities nor the construction of such facilities beyond those herein described:]** *Provided, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities.* **[And provided further, That, in the case of projects authorized to be constructed, operated, and maintained in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), the Secretary of the Interior, in addition to allocations made under section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187), shall make findings on the part of the estimated cost of the project which can properly be allocated to means and measures to prevent loss of and damage to wildlife resources, which costs shall not be reimbursable, and an appropriate share of the project costs may be allocated to development and improvement of wildlife resources, with a finding as to the part of such allocated costs, if any, to be reimbursed by non-Federal fish and wildlife agencies or interests.]**

“(e) In the case of construction by a Federal agency, that agency is authorized to transfer to the United States Fish and Wildlife Service, out of appropriations or other funds made available for investigations engineering, or construction, such funds as may be necessary to conduct all or part of the investigations required to carry out the purposes of this section.

“(f) In addition to other requirements, there shall be included in any report submitted to Congress supporting a recommendation for authorization of any new project for the control or use of water as described herein (including any new division of such project or new supplemental works on such project) an estimation of the wildlife benefits or losses to be derived therefrom including benefits to be derived from measures recommended specifically for the development and improvement of wildlife resources, the cost of providing wildlife benefits (including the cost of additional facilities to be installed or lands to be acquired specifically for that particular phase of wildlife conservation relating to the development and improvement of wildlife), the part of the cost of joint-use facilities allocated to wildlife, and the part of such costs, if any, to be reimbursed by non-Federal interests.

“(g) The provisions of this section shall be applicable with respect to any project for the control or use of water as prescribed herein, or any unit of such project authorized before or after the date of enactment of the Fish and Wildlife Coordination Act for planning or construction, but shall not be applicable to any project or unit thereof authorized before the date of enactment of the Fish and Wildlife Coordination Act if the construction of the particular project or unit thereof has been substantially completed. A project or unit

thereof shall be considered to be substantially completed when 60 percent or more of the estimated construction cost has been obligated for expenditure.

“(h) The provisions of this Act shall not be applicable to those projects for the impoundment of water where the maximum surface area of such impoundments is less than ten acres, nor to activities for or in connection with programs primarily for land management and use carried out by Federal agencies with respect to Federal lands under their jurisdiction.

“SEC. 3. (a) Subject to the exceptions prescribed in section 2(h) of this Act, whenever the waters of any stream or other body of water are impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified for any purpose whatever, including navigation and drainage, by any department or agency of the United States, adequate provision, consistent with the primary purposes of such impoundment, diversion, or other control, shall be made for the use thereof, together with any areas of land, water, or interests therein, acquired or administered by a Federal agency in connection therewith, for the conservation, maintenance, and management of wildlife resources thereof, and its habitat thereon, including the development and improvement of such wildlife resources pursuant to the provisions of section 2 of this Act.

“(b) The use of such waters, land, or interests therein for wildlife conservation purposes shall be in accordance with general plans approved jointly (1) by the head of the particular department or agency exercising primary administration in each instance, (2) by the Secretary of the Interior, and (3) by the head of the agency exercising the administration of the wildlife resources of the particular State wherein the waters and areas lie. Such waters and other interests shall be made available, without cost for administration, by such State agency if the management of the properties relate to the conservation of wildlife other than migratory birds, or by the Secretary of the Interior, for administration in such manner as he may deem advisable where the particular properties have value in carrying out the national migratory bird management program: *Provided*, That nothing in this section shall be construed as affecting the authority of the Secretary of Agriculture to cooperate with the States or in making lands available to the States with respect to the management of wildlife and wildlife habitat on lands administered by him.

“(c) When consistent with the purposes of this Act and the reports and findings of the Secretary of the Interior prepared in accordance with section 2, land, waters, and interests therein may be acquired by Federal construction agencies for the wildlife conservation and development purposes of this Act in connection with a project as reasonably needed to preserve and assure for the public benefit the wildlife potentials of the particular project area: *Provided*, That before properties are acquired for this purpose, the probable extent of such acquisition shall be set forth, along with other data necessary for project authorization, in a report submitted to the Congress, or in the case of a project previously authorized, no such properties shall be acquired unless specifically authorized by Congress, if specific authority for such acquisition is recommended by the construction agency.

“(d) Properties acquired for the purposes of this section shall continue to be used for such purposes, and shall not become the subject of exchange or other transactions if such exchange or other transaction would defeat the initial purpose of their acquisition.

“(e) Federal lands acquired or withdrawn for Federal water-resource purposes and made available to the States or to the Secretary of the Interior for wildlife management purposes, shall be made available for such purposes in accordance with this Act, notwithstanding other provisions of law.

“(f) Any lands acquired pursuant to this section by any Federal agency within the exterior boundaries of a national forest shall, upon acquisition, be added to and become national forest lands, and shall be administered as a part of the forest within which they are situated, subject to all laws applicable to lands acquired under the provisions of the Act of March 1, 1911 (36 Stat. 961), unless such lands are acquired to carry out the National Migratory Bird Management Program.

“SEC. 4. Such areas as are made available to the Secretary of the Interior for the purposes of this Act, pursuant to sections 1 and 3 or pursuant to any other authorization, shall be administered by him directly or in accordance with cooperative agreements entered into pursuant to the provisions of the first section of this Act and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, as may be adopted by the Secretary in accordance with general plans approved jointly by the Secretary of the Interior and the head of the department or agency exercising primary administration of such areas: *Provided*, That such rules and regulations shall not be inconsistent with the laws for the protection of fish and game of the States in which such area is situated (16 U.S.C., sec. 664): *Provided further*, That lands having value to the National Migratory Bird Management Program may, pursuant to general plans, be made available without cost directly to the State agency having control over wildlife resources, if it is jointly determined by the Secretary of the Interior and such State agency that this would be in the public interest: *And provided further*, That the Secretary of the Interior shall have the right to assume the management and administration of such lands in behalf of the National Migratory Bird Management Program if the Secretary finds that the State agency has withdrawn from or otherwise relinquished such management and administration.”

SEC. 3. The Watershed Protection and Flood Prevention Act, as amended (16 U.S.C., secs. 1001–1007, inclusive), is amended by adding at the end thereof the following new section:

“SEC. 12. When the Secretary approves the furnishing of assistance to a local organization in preparing a plan for works of improvement as provided for in section 3:

“(1) The Secretary shall so notify the Secretary of the Interior in order that the latter, as he desires, may make surveys and investigations and prepare a report with recommendations concerning the conservation and development of wildlife resources and participate, under arrangements satisfactory to the Secretary of Agriculture, in the preparation of a plan for works of improvement that is acceptable to the local organization and the Secretary of Agriculture.

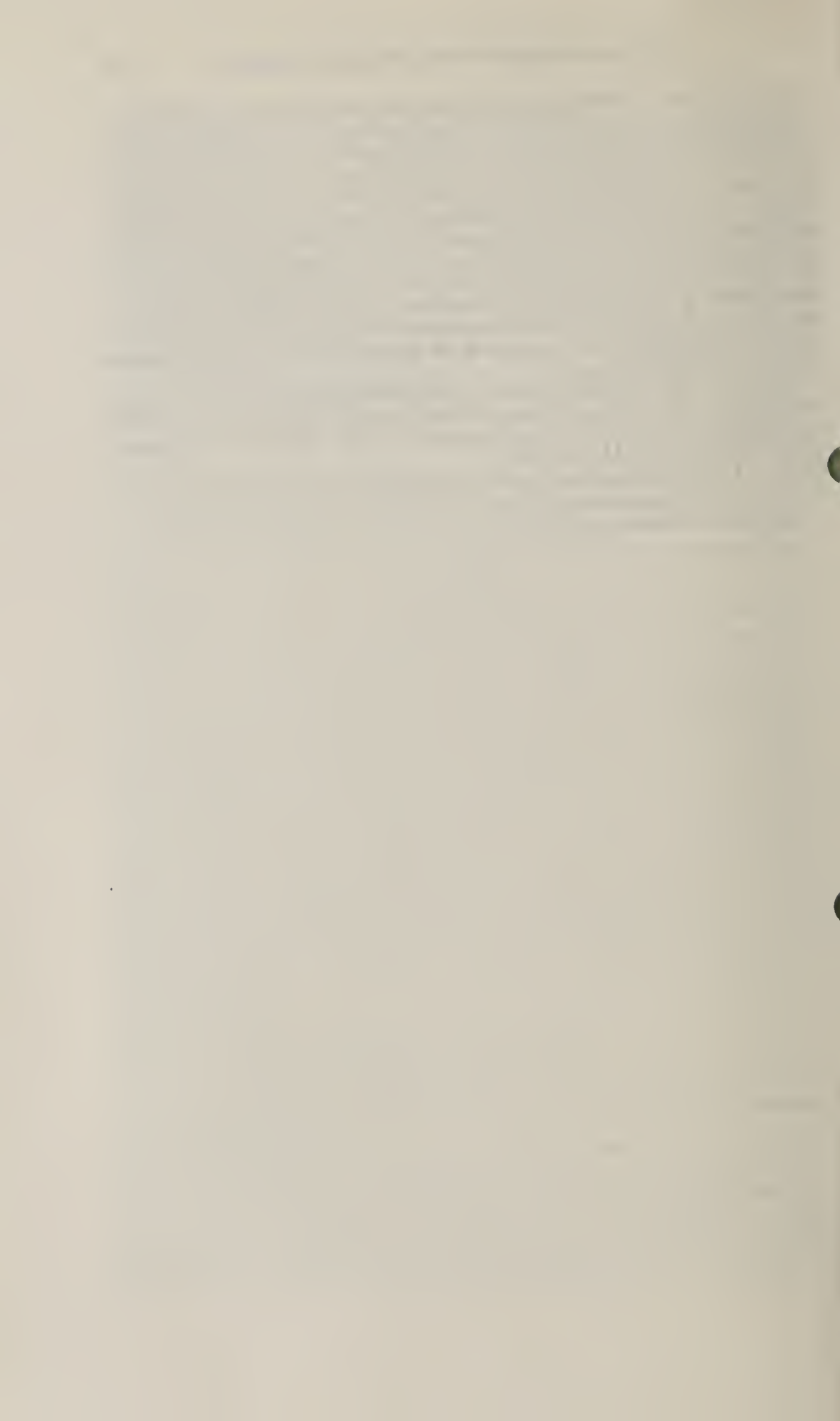
“(2) Full consideration shall be given to the recommendations contained in any such report of the Secretary of the Interior as he may submit to the Secretary of Agriculture prior to the time the local organization and the Secretary of Agriculture have agreed on a plan for works of improvement. The plan shall include such of the technically and economically feasible works of improvement for wildlife purposes recommended in the report by the Secretary of the Interior as are acceptable to, and agreed to by, the local organization and the Secretary of Agriculture, and such report of the Secretary of the Interior shall, if requested by the Secretary of the Interior, accompany the plan for works of improvement when it is submitted to the Secretary of Agriculture for approval or transmitted to the Congress through the President.

“(3) The cost of making surveys and investigations and of preparing reports concerning the conservation and development of wildlife resources shall be borne by the Secretary of the Interior out of funds appropriated to his Department.”

SEC. 4. There is authorized to be appropriated and expended such funds as may be necessary to carry out the purposes of this Act.

Approved August 12, 1958.





Calendar No. 138

89TH CONGRESS
1ST SESSION

S. 1229

[Report No. 149]

IN THE SENATE OF THE UNITED STATES

FEBRUARY 19, 1965

Mr. JACKSON (by request) introduced the following bill; which was read twice
and referred to the Committee on Interior and Insular Affairs

APRIL 7, 1965

Reported by Mr. JACKSON, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To provide uniform policies with respect to recreation and fish
and wildlife benefits and costs of Federal multiple-purpose
water resource projects, and to provide the Secretary of the
Interior with authority for recreation development of proj-
ects under his control.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That it is the policy of the Congress and the intent of this
4 Act that (a) full consideration shall be given to outdoor
5 recreation opportunities and fish and wildlife enhancement

1 where these can be provided or enhanced in the investiga-
2 tion, planning, construction, operation, and maintenance of
3 Federal navigation, flood control, reclamation, hydroelectric
4 and multiple-purpose water resource projects; (b) planning
5 with respect to the development of the recreation potential
6 of any such project shall be based on the coordination of the
7 recreational use of the project area with the use of existing
8 and planned Federal, State, or local public recreation de-
9 velopments; and (c) project construction agencies shall
10 encourage non-Federal public bodies to administer project
11 land and water areas for recreation and fish and wildlife
12 enhancement purposes and operate, maintain, and replace
13 facilities provided for those purposes unless such areas or
14 facilities are authorized by law for inclusion within a na-
15 tional recreation area, or are appropriate for administration
16 by a Federal agency as a part of the national forest system,
17 as a part of the public lands classified for retention in Federal
18 ownership, or in connection with an authorized Federal pro-
19 gram for the conservation and development of fish and
20 wildlife.

21 SEC. 2. (a) If, before authorization of a project, non-
22 Federal public bodies indicate their intent in writing to agree
23 to administer project land and water areas for recreation and
24 fish and wildlife enhancement pursuant to a plan of develop-
25 ment and to bear not less than one-half the separable costs

1 of the project allocated to recreation and fish and wildlife
2 enhancement and all the costs of operation, maintenance and
3 replacement of recreation and fish and wildlife enhancement
4 lands and facilities: (1) the benefits of the project to recre-
5 ation and fish and wildlife enhancement shall be taken into
6 account in determining the economic benefits of the project;
7 (2) costs shall be allocated to the purposes of recreation and
8 fish and wildlife enhancement and to other purposes in a
9 manner which will insure that all project purposes share
10 equitably in the advantages of multiple-purpose construc-
11 tion: *Provided*, That the costs allocated to recreation or fish
12 and wildlife enhancement shall not exceed the lesser of the
13 benefits from those functions or the costs of providing rec-
14 reation or fish and wildlife enhancement benefits of reason-
15 ably equivalent use and location by the least costly alterna-
16 tive means; and (3) not more than one-half the separable
17 costs and all the joint costs of the project allocated to recre-
18 ation and fish and wildlife enhancement shall be borne by
19 the United States and be nonreimbursable. Projects au-
20 thorized before January 1, 1966, may include recreation and
21 fish and wildlife enhancement on the foregoing basis without
22 the required indication of intent. Execution of an agreement
23 as aforesaid shall be a prerequisite to commencement of con-
24 struction of projects authorized pursuant to this section.

25 (b) The non-Federal share of the separable costs of the

1 project allocated to recreation and fish and wildlife enhance-
2 ment shall be borne by non-Federal interests, under either
3 or both of the following methods as may be determined
4 appropriate by the head of the Federal agency having juris-
5 diction over the project: (1) payment, or provision of lands,
6 interests therein, or facilities for the project; or (2) repay-
7 ment, with interest at a rate comparable to that for other
8 interest-bearing functions of Federal water resource projects,
9 within fifty years of first use of project recreation or fish and
10 wildlife enhancement facilities: *Provided*, That the source of
11 repayment may be limited to entrance and user fees or charges
12 collected at the project by non-Federal interests if the fee
13 schedule and the portion of fees dedicated to repayment are
14 established on a basis calculated to achieve repayment as
15 aforesaid and if the fee schedule and the portion of fees dedi-
16 cated to repayment are made subject to review and renego-
17 tiation at intervals of not more than five years.

18 SEC. 3. (a) In the absence of an indication of intent as
19 specified in subsection 2 (a) , facilities or project modifications
20 shall not be provided expressly for recreation and fish and
21 wildlife enhancement; minimum facilities for the public health
22 and safety may be provided at access points provided by
23 roads existing at the time of project construction and roads
24 constructed for the administration and management of the
25 project. For projects authorized pursuant to *this* section 3

1 hereof, the recreation and fish and wildlife enhancement ben-
2 efits shall be limited to the number of visitor days and the
3 value per visitor day which would take place on the basis of
4 the provision of minimum facilities for public health and
5 safety, and excluding any additional land which may be
6 acquired expressly to provide for subsequent recreation or
7 fish and wildlife enhancement development as provided un-
8 der subsection 3 (b) ; for projects authorized pursuant to this
9 subsection, all costs allocated to recreation and fish and wild-
10 life enhancement shall be nonreimbursable.

11 (b) In the absence of an indication of intent as specified
12 in subsection 2 (a) , lands may be provided in connection with
13 project construction to preserve the recreation and fish and
14 wildlife enhancement potential of the ~~project~~— *project*.

15 (1) ~~if~~ *If* non-Federal public bodies execute an
16 agreement within ten years after initial operation of the
17 project which agreement shall provide that the non-
18 Federal public bodies will administer project land and
19 water areas for recreation and fish and wildlife enhance-
20 ment pursuant to a plan of development and will bear not
21 less than one-half the cost of lands, facilities, and project
22 modifications provided for those purposes and all costs
23 of operation, maintenance, and replacement of recreation
24 and fish and wildlife enhancement facilities, not more

1 than one-half the costs of lands, facilities, and project
2 modifications provided pursuant to paragraph ~~(1)~~ of
3 this subsection may be borne by the United States and
4 *than one-half the costs of lands provided pursuant to*
5 *this subsection, and facilities and project modifications*
6 *provided pursuant to the plan of development may be*
7 *borne by the United States and* such costs shall be non-
8 reimbursable. Such agreement and subsequent develop-
9 ment shall not be the basis for any reallocation of joint
10 costs of the project to recreation or fish and wildlife
11 enhancement.

12 (2) ~~if, If~~ within ten years after initial operation of
13 the project, there is not an executed agreement as speci-
14 fied in paragraph ~~(1)~~ of subsection 3(b), the head of
15 the agency having jurisdiction over the project may
16 convey the possession and control of any lands provided
17 pursuant to subsection 3(b) by deed, lease, or other-
18 wise, to any Federal agency, or to any person or non-
19 Federal body, for the purpose of recreation, fish and
20 wildlife enhancement, or use as a summer residence, or
21 for the operation on such lands of pleasure resorts for
22 boating, fishing, or any similar purpose, or for any other
23 purpose which would not conflict with the purposes for
24 which the project was constructed: *Provided, That* no
25 transfer authorized herein, except transfer by conveyance

1 at full *fair* market value under the then existing condi-
2 tions, shall be made without approval of the President
3 of the United States. *If, within ten years after initial*
4 *operation of the project, there is not an executed agree-*
5 *ment as specified in paragraph 1 of this subsection, the*
6 *head of the agency having jurisdiction over the project*
7 *shall offer the land for sale to its immediate prior owner*
8 *at its appraised fair market value as approved by the*
9 *head of such agency at the time of offer. If firm agree-*
10 *ments to dispose of the land are not executed within*
11 *ninety days of the date of such offer by the head of the*
12 *agency, then the head of the agency shall determine*
13 *whether such lands can be put to other use for programs*
14 *of the agency or whether such lands should be reported*
15 *as excess to the Administrator of General Services pur-*
16 *suant to the Federal Property and Administrative Serv-*
17 *ices Act of 1949, as amended. In no case shall the*
18 *lands be used or made available for use for any purpose*
19 *in conflict with the purposes for which the project was*
20 *constructed.*

21 SEC. 4. At projects, the construction of which has com-
22 menced or been completed as of the effective date of this
23 Act, where non-Federal public bodies agree to administer
24 project land and water areas for recreation and fish and
25 wildlife enhancement purposes and to bear the costs of

1 operation, maintenance, and replacement of existing facilities
2 serving those purposes, such facilities and appropriate proj-
3 ect lands may be transferred to the non-Federal public
4 bodies at no cost.

5 SEC. 5. Nothing herein shall be construed as preventing
6 or discouraging postauthorization development of any proj-
7 ect for recreation and fish and wildlife enhancement by non-
8 Federal public bodies pursuant to agreement with the head
9 of the Federal agency having jurisdiction over the project.
10 Such development shall not be the basis for any allocation
11 or reallocation of project costs to recreation or fish and
12 wildlife enhancement.

13 SEC. 6. (a) The views of the Secretary of the Interior
14 developed in accordance with section 3 of the Act of May
15 28, 1963 (77 Stat. 49), with respect to the outdoor
16 recreation aspects shall be set forth in any report on any
17 project or appropriate unit thereof within the purview of
18 this Act. Such views shall include a report on the extent
19 to which the proposed recreation and fish and wildlife de-
20 velopment conforms to and is in accord with the State
21 comprehensive plan developed pursuant to subsection 5 (d)
22 of the Land and Water Conservation Fund Act of 1965
23 (78 Stat. 897).

24 (b) ~~Nothing in this Act shall be construed as amending~~
25 ~~the first proviso of subsection 2(d) of the Act of August 12,~~

1 1958 (72 Stat. 563; 16 U.S.C. 662(d)), and the second
 2 proviso of subsection 2(d) of that Act is hereby repealed.
 3 *The first proviso of subsection 2(d) of the Act of August 12,*
 4 *1958 (72 Stat. 563; 16 U.S.C. 662(d)) is amended to*
 5 *read as follows: "Provided, That such cost attributable to the*
 6 *development and improvement of wildlife shall not extend*
 7 *beyond that necessary for (1) land acquisition, (2) facilities*
 8 *as specifically recommended in water resource project reports,*
 9 *(3) modification of the project, and (4) modification of proj-*
 10 *ect operations, but shall not include the operation of wildlife*
 11 *facilities."* The second proviso of subsection 2(d) of said
 12 Act is hereby repealed.

13 ~~(e)~~ Expenditures for lands or interests in lands here-
 14 after acquired by project construction agencies for the estab-
 15 lishment of migratory waterfowl refuges recommended by
 16 the Secretary of the Interior at Federal water resource proj-
 17 ects, when such lands or interests in lands would not have
 18 been acquired but for the establishment of a migratory water-
 19 fowl refuge at the project, shall not exceed \$28,000,000:
 20 *Provided, That the aforementioned expenditure limitation in*
 21 *this subsection shall not apply to the costs of mitigating*
 22 *damages to migratory waterfowl caused by such water*
 23 *resource project.*

24 ~~(d)~~ (c) This Act shall not apply to the Tennessee Val-

1 ley Authority, nor to projects constructed under authority of
2 the Small Reclamation Projects Act, as amended, or under
3 authority of the Watershed Protection and Flood Prevention
4 Act, as amended.

5 ~~(e)~~ (d) Sections 2, 3, 4, and 5 of this Act shall not ap-
6 ply to nonreservoir local flood control projects, beach erosion
7 control projects, small boat harbor projects, hurricane pro-
8 tection projects, or to project areas or facilities authorized by
9 law for inclusion within a national recreation area or appro-
10 priate for administration by a Federal agency as a part of the
11 national forest system, as a part of the public lands classified
12 for retention in Federal ownership, or in connection with an
13 authorized Federal program for the conservation and devel-
14 opment of fish and wildlife.

15 ~~(f)~~ (e) As used in this Act, the term “nonreimbursable”
16 shall not be construed to prohibit the imposition of entrance,
17 admission, and other recreation user fees or charges.

18 ~~(g)~~ (f) Subsection 6 (a) (2) of the Land and Water
19 Conservation Fund Act of 1965 (78 Stat. 897) shall not
20 apply to costs allocated to recreation and fish and wildlife
21 enhancement which are borne by the United States as a
22 nonreimbursable project cost pursuant to subsection 2 (a)
23 or subsection 3 (b) (1) of this Act.

24 ~~(h)~~ (g) All payments and repayment by non-Federal
25 public bodies under the provisions of this Act, and revenue

1 from the conveyance by deed, lease, or otherwise, of lands
2 under subsection 3 (b) (2) of this Act, shall be deposited in
3 the Treasury as miscellaneous receipts.

4 SEC. 7. ~~(a)~~ The Secretary of the Interior is authorized
5 as a part of any water resource development project under
6 his control heretofore ~~or hereafter authorized or reauthorized,~~
7 except projects or areas within national wildlife refuges, to
8 ~~investigate, plan, construct, operate, and maintain or other-~~
9 ~~wise provide for basic public outdoor recreation facilities, to~~
10 ~~acquire or otherwise to include within the project area such~~
11 ~~adjacent lands or interests therein as are necessary for pres-~~
12 ~~ent or future public recreation use, to provide for the public~~
13 ~~use and enjoyment of project lands, facilities, and water~~
14 ~~areas in a manner coordinated with the other project pur-~~
15 ~~poses, and at projects hereafter authorized or reauthorized,~~
16 ~~to allocate water and reservoir capacity to recreation.~~
17 Lands, facilities, and project modifications may be provided
18 in accordance with subsection 3 (b), hereof, at projects here-
19 ~~before authorized. such as boat ramps, picnic tables, beach~~
20 ~~areas, sanitation facilities, and parking areas of a total cost~~
21 ~~not to exceed \$50,000 for each water resource project.~~

22 ~~(b)~~ SEC. 8. (a) The Secretary of the Interior is author-
23 ized to enter into agreements with Federal agencies or State
24 or local public bodies for the administration of project land
25 and water areas and the operation, maintenance, and replace-

1 ment of facilities and to transfer project lands or facilities to
2 Federal agencies or State or local public bodies by lease,
3 conveyance, or exchange, upon such terms and conditions as
4 will best promote the development and operation of such
5 lands or facilities in the public interest for recreation
6 purposes.

7 ~~(e)~~ (b) No lands under the jurisdiction of any other
8 Federal agency may be included for or devoted to recreation
9 purposes under the authority of this ~~section~~ *Act* without the
10 consent of the head of such agency; and the head of any
11 such agency is authorized to transfer any such lands to the
12 jurisdiction of the Secretary of the Interior for purposes of
13 this ~~section~~ *Act*. The Secretary of the Interior is authorized
14 to transfer jurisdiction over project lands within or adjacent
15 to the exterior boundaries of national forests and facilities
16 thereon to the Secretary of Agriculture for recreation and
17 other national forest system purposes; and such transfer shall
18 be made in each case in which the project reservoir area is
19 located wholly within the exterior boundaries of a national
20 forest unless the Secretaries of Agriculture and Interior
21 jointly determine otherwise. Where any project lands are
22 transferred hereunder to the jurisdiction of the Secretary of
23 Agriculture, the lands involved shall become national forest
24 lands: *Provided*, That the lands and waters within the flow
25 lines of any reservoir or otherwise needed or used for the

1 operation of the project for other purposes shall continue to
2 be administered by the Secretary of the Interior to the extent
3 he determines to be necessary for such operation. Nothing
4 herein shall limit the authority of the Secretary of the
5 Interior granted by existing provisions of law relating
6 to recreation development of water resource projects or to
7 disposition of public lands for recreational purposes.

8 *SEC. 9. Effective on and after January 1, 1966, neither*
9 *the Secretary of the Interior nor any bureau nor any person*
10 *acting under his authority shall engage in the preparation*
11 *of any feasibility report with respect to any water resource*
12 *project unless the preparation of such feasibility report has*
13 *been specifically authorized by law or specifically directed by*
14 *either the Senate Committee on Interior and Insular Affairs,*
15 *or the House Committee on Interior and Insular Affairs*
16 *by a resolution adopted by such committee, any other pro-*
17 *vision of law notwithstanding.*

18 **SEC. § 10. As used in this Act—**

19 (a) The term “project” shall mean a project or any
20 appropriate unit thereof.

21 (b) The term “cost” shall mean the value of goods and
22 services (land, labor, and supplies) used for the establish-
23 ment, maintenance, and operation of the project.

24 (c) The term “separable costs” shall mean the cost for
25 each project purpose which is the difference between the cost

1 of the multiple-purpose project and the cost of the project
2 with the purpose omitted.

3 (d) The term "joint costs" shall mean the difference
4 between the cost of the multiple-purpose project as a whole
5 and the total of the separable costs for all project purposes.

6 (e) *The term "feasibility report" shall mean any report*
7 *of the scope required by the Congress when formally consider-*
8 *ing authorization of the project of which the report treats.*

9 SEC. 9 11. This Act may be cited as the "Federal Water
10 Project Recreation Act".

Amend the title so as to read: "A bill to provide uniform
policies with respect to recreation and fish and wildlife bene-
fits and costs of Federal multiple-purpose water resource
projects, and for other purposes."

A BILL

To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

By Mr. JACKSON

FEBRUARY 19, 1965

Read twice and referred to the Committee on Interior
and Insular Affairs

APRIL 7, 1965

Reported with amendments

S. 1229

(Page 8 of 10)

A BILL

To amend the law relating to the

and the law relating to the

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and the law relating to the

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

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HIGHLIGHTS: Senate committee voted to report northwest flood disaster relief bill. Sen. Thurmond commended increased soybean production in S. C. Sen. Stennis urged expanded forest research program. Sen. Hruska inserted Rep. Whitten's speech on pesticide problem. Sen. Aiken introduced and discussed bill to authorize FHA loans for rural water supply systems.

SENATE

1. WATER RESOURCES. Passed as reported S. 1229, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects. pp. 7623-7
2. DISASTER RELIEF. The Public Works Committee^{ordered} reported with amendment S. 327, to provide Federal assistance to Ore., Wash., Calif., and Idaho for the reconstruction of areas damaged by recent floods. p. D295
3. WATERSHEDS. The "Daily Digest" states that the Public Works Committee "approved several pending watershed projects." p. D295
4. TEXTILES. Passed as reported S. 1129, to permit the listing on labels of fibers constituting less than 5 percent of a textile fiber product when it is clearly established that such an amount has a definite functional significance. p. 7583
5. PERSONNEL. Passed without amendment H. R. 2594, to clarify the designation of persons who are entitled to receive increased retirement annuities under legislation enacted in 1958 and 1962. This bill will now be sent to the President. pp. 7580-1.
6. FORESTRY. Sen. Stennis commended the Secretary's report, "A National Forestry Research Program," and urged increased funds for forest research. pp. 7635-7
Sen. Magnuson inserted items discussing the adverse affects of recent floods in the northwest on the timber industry. pp. 7607-8
7. PESTICIDES. Sen. Hruska inserted and commended a recent address by Rep. Whitten defending the use of pesticides on crops. pp. 7604-7
8. SOYBEANS. Sen. Thurmond commended increased soybean production in S. C. and inserted tables on soybean production in S. C. and the U. S. pp. 7589-91
9. USER CHARGES; SOIL CONSERVATION. Sen. Tower expressed concern over drought conditions in the Plains States and criticized the proposed user charge on SCS technical assistance to farmers and ranchers. pp. 7575-6
Sen. Harris inserted an Okla. Cattlemen's Assoc. resolution opposing the proposed SCS user charge. p. 7579
10. FOOD STAMPS. Received a Mont. Senate resolution urging that all eligible areas in the State be permitted to participate in the food stamp program. p. 7543
11. COOPERATIVES. Sen. Mundt commended cooperatives as "an essential part of the private enterprise structure," and inserted an article commending rural electrification cooperatives. pp. 7612-3
12. APPALACHIA; APPROPRIATIONS. Sen. Byrd, W. Va., inserted his testimony before the Senate Appropriations Subcommittee on Deficiencies and Supplementals in support of the budget requests for financing the Appalachian Regional Development program. pp. 7613-6
13. FOREIGN AID. Sen. Proxmire commended the Alliance for Progress as a "big new triumph of American foreign policy." pp. 7629-31

I have mentioned, and the other holdings of the Court, afford enough reason to believe that the Members of the Senate could support the amendment in good conscience, and I feel that it would be justified in doing so, and the amendment would be upheld by the Supreme Court.

Mr. HOLLAND. The Senator knows that the first portion of the 15th amendment, which is the section which creates the coverage, applies only to the saving of the right to vote on the part of members of the Negro race or any person on account of his race, color or previous condition of servitude?

Mr. KENNEDY of Massachusetts. The Senator is correct.

Mr. HOLLAND. The section does not apply to citizens generally.

Mr. KENNEDY of Massachusetts. Section 1 of the 15th amendment provides as follows:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Mr. HOLLAND. I thank the Senator for quoting the section into the Record. I wish to state the point I was seeking to make. I have had some experience in this field because I was a participant in knocking out the poll tax entirely as a requirement for voting in my own State, the State of Florida, when I was a member of the State senate in 1937. At that time the poll tax requirement was not even a handicap to Negroes voting in the Democratic primary because at that time we had a white primary. As a result of the enactment of the poll tax amendment, there was a very great enlargement of participation in voting by white citizens immediately. The poll tax applies to both white and colored and to all citizens who are covered. We realize that the poll tax laws of the various States have different coverages. Some exclude elderly people, some exclude women, some exclude veterans, and the like.

I ask if the Senator from Massachusetts does not know it to be the case that the poll tax in every State where it exists applies as a handicap to voting on the part of people regardless of their race, regardless of their color, and regardless of their diligence, or lack of it, in taking care of their payment of the poll taxes. Carelessness and neglect had as often as not been responsible for the disqualification of people from voting in my State prior to and up to the time of our repeal of the poll tax. The Senator knows that the poll tax requirement applies equally to citizens of all colors and races, does he not?

Mr. KENNEDY of Massachusetts. What the Senator has said is substantially correct. But there are some very dramatic qualifications. If any Member of the Senate would understand more clearly than others the dramatic effect of the poll tax on Negroes, it is the Senator from Florida, because since the enactment of the 24th amendment we have seen dramatic illustrations of cases in which the total number of Negroes voting in a number of different coun-

ties and in a number of different States has been greatly increased. I stand by the arguments that I made in my formal address. I refer again to my economic argument and the fact that there has been sufficient or significant evidence, which has been mentioned by the Civil Rights Commission, to point out where there have been instances in which registrars have refused to take poll taxes. There have been instances in which, by the very nature of the administration of the poll tax, we have seen how the cumulative effect has discriminated against Negroes on economic grounds. In many parts of the country, as the Senator would recognize, the means by which economic exchange takes place is on the basis of barter and by services rendered. Even in those areas the fact that there is a poll tax of \$1 or \$1.50, cumulative to \$3 or even to \$4, does serve economically to discriminate.

With all respect for the Senator from Florida and for his viewpoint on this question, I stand by my arguments. I stand on the arguments that I have made in my formal presentation. I believe they are overwhelming and convincing. I address them to the Members of this body.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KENNEDY of Massachusetts. I yield.

Mr. HOLLAND. I believe there is no Member of this body who has a clearer record of opposition to the poll tax than the Senator from Florida. But, the Senator from Florida has always tried to proceed constitutionally. He did so as a member of the State Senate of the State of Florida when he voted to repeal the poll tax for all purposes in that State. He did so here when he offered for 13 years the 24th amendment to abolish the poll tax as a requirement for voting for Federal elected officials. He did so because he knew that was a constitutional amendment. He does so now because he thinks the enactment of the 24th amendment will very speedily bring about complete relief in a constitutional way. He points to the fact that even in the limited time since the enactment of the 24th amendment or its ratification, one of the States which had a poll tax prior to that time has repealed it—the State of Arkansas. He points also to the fact that while he was urging the 24th amendment in the Senate, two other States—the State of South Carolina and the State of Tennessee—repealed their poll tax. The Senator from Florida is afraid that in his zeal and in his haste to get a quick job done, the Senator from Massachusetts is overlooking the constitutional aspects of this question, which is the reason for the questions he has raised. I thank the distinguished Senator for yielding to me.

Mr. PROXMIRE obtained the floor.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Delaware [Mr. WILLIAMS] without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I yield to the Senator from Delaware.

VOTING RIGHTS ACT OF 1965

The Senate resumed the consideration of the bill (S. 1564) to enforce the 15th amendment of the Constitution of the United States.

Mr. WILLIAMS of Delaware. Mr. President, I understand from the able majority leader that no action will be taken on the pending measure until April 21. However, on behalf of the Senator from Iowa [Mr. MILLER] and myself, I send to the desk an amendment and ask that it be stated. I shall discuss the amendment when the Senate reconvenes and I ask that the amendment be made the pending business.

The PRESIDING OFFICER (Mr. KENNEDY of New York in the chair). The amendment will be stated.

The legislative clerk read as follows:

On page 29, line 20, strike all down to and including line 4 on page 30 and insert in lieu the following:

"Whoever knowingly or wilfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration or illegal voting, or pays or offers to pay or accepts payment either for registration or for voting shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

Mr. WILLIAMS of Delaware. Mr. President, I ask that the amendment just read be made the pending business. I shall discuss it next week.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may now yield to the majority leader, without losing my right to the floor.

UNIFORM POLICIES WITH RESPECT TO RECREATION AND FISH AND WILDLIFE BENEFITS AND COSTS OF FEDERAL MULTIPLE-PURPOSE WATER RESOURCE PROJECTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 138, S. 1229.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1229) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 4, line 25, after the word "to", to insert "this"; in the same line, after the word "section", to strike out "3"; on page 5, line 14, after the word "the", to strike out "project—" and in-

sert "project."; in line 15, after "(1)", to strike out "if" and insert "If"; at the top of page 6, to strike out "than one-half the costs of lands, facilities, and project modifications provided pursuant to paragraph (1) of this subsection may be borne by the United States and" and insert "than one-half the costs of lands provided pursuant to this subsection, and facilities and project modifications provided pursuant to the plan of development may be borne by the United States and"; in line 12, after "(2)", to strike out "if, If within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of subsection 3(b), the head of the agency having jurisdiction over the project may convey the possession and control of any lands provided pursuant to subsection 3(b) by deed, lease, or otherwise, to any Federal agency, or to any person or non-Federal body, for the purpose of recreation, fish and wildlife enhancement, or use as a summer residence, or for the operation on such lands of pleasure resorts for boating, fishing, or any similar purpose, or for any other purpose which would not conflict with the purposes for which the project was constructed: *Provided*, That no transfer authorized herein, except transfer by conveyance at full fair market value under the then existing conditions, shall be made without approval of the President of the United States." and insert "If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph 1 of this subsection, the head of the agency having jurisdiction over the project shall offer the land for sale to its immediate prior owner at its appraised fair market value as approved by the head of such agency at the time of offer. If firm agreements to dispose of the land are not executed within ninety days of the date of such offer by the head of the agency, then the head of the agency shall determine whether such lands can be put to other use for programs of the agency or whether such lands should be reported as excess to the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed."; on page 8, line 24, after "(b)", to strike out "Nothing in this Act shall be construed as amending the first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)), and the second proviso of subsection 2(d) of that Act is hereby repealed." and insert "The first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)) is amended to read as follows: '*Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities.' The

second proviso of subsection 2(d) of said Act is hereby repealed."; on page 9, after line 12, to strike out:

(c) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed \$28,000,000: *Provided*, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water-resource project.

At the beginning of line 24, to strike out "(d)" and insert "(c)"; on page 10, at the beginning of line 5, to strike out "(c)" and insert "(d)"; at the beginning of line 15, to strike out "(f)" and insert "(e)"; at the beginning of line 18, to strike out "(g)" and insert "(f)"; at the beginning of line 24, to strike out "(h)" and insert "(g)"; on page 11, line 4, after "Sec. 7.", to strike out "(a)"; in line 6, after the word "heretofore", to strike out "or hereafter"; in the same line, after the word "authorized", to strike out "or reauthorized."; at the beginning of line 8, to strike out "investigate, plan."; in line 9, after the word "for", to insert "basic"; in the same line, after the word "facilities.", to strike out "to acquire or otherwise to include within the project area such adjacent lands or interests therein as are necessary for present or future public recreation use, to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes, and at projects hereafter authorized or reauthorized, to allocate water and reservoir capacity to recreation. Lands, facilities, and project modifications may be provided in accordance with subsection 3(b), hereof, at projects heretofore authorized," and insert "such as boat ramps, picnic tables, beach areas, sanitation facilities, and parking areas of a total cost not to exceed \$50,000 for each water resource project."; at the beginning of line 22, to strike out "(b)" and insert "Sec. 8, (a)"; on page 12 at the beginning of line 7, to strike out "(c)" and insert "(b)"; on page 12, at the beginning of line 7, to strike out "(c)" and insert "(b)"; in line 9, after the word "this", to strike out "section" and insert "Act"; in line 13, after the word "this", to strike out "section." and insert "Act."; on page 13, after line 7, to insert a new section, as follows:

SEC. 9. Effective on and after January 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law or specifically directed by either the Senate Committee on Interior and Insular Affairs, by a resolution adopted by such committee, any other provision of law notwithstanding.

At the beginning of line 17, to change the section number from "8" to "10"; on page 14, after line 5, to insert:

(e) The term "feasibility report" shall mean any report of the scope required by the

Congress when formally considering authorization of the project of which the report treats.

And, at the beginning of line 9, to change the section number from "9" to "11"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress and the intent of this Act that (a) full consideration shall be given to outdoor recreation opportunities and fish and wildlife enhancement where these can be provided or enhanced in the investigation, planning, construction, operation, and maintenance of Federal navigation, flood control, reclamation, hydroelectric and multiple-purpose water resource projects; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are authorized by law for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

SEC. 2. (a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and to bear not less than one-half the separable costs of the project allocated to recreation and fish and wildlife enhancement and all the costs of operation, maintenance and replacement of recreation and fish and wildlife enhancement lands and facilities: (1) the benefits of the project to recreation and fish and wildlife enhancement shall be taken into account in determining the economic benefits of the project; (2) costs shall be allocated to the purposes of recreation and fish and wildlife enhancement and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means; and (3) not more than one-half the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable. Projects authorized before January 1, 1966, may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of projects authorized pursuant to this section.

(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate

comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and if the fee schedule and the portion of fees dedicated to repayment are made subject to review and renegotiation at intervals of not more than five years.

SEC. 3. (a) In the absence of an indication of intent as specified in subsection 2(a), facilities or project modifications shall not be provided expressly for recreation and fish and wildlife enhancement; minimum facilities for the public health and safety may be provided at access points provided by roads existing at the time of project construction and roads constructed for the administration and management of the project. For projects authorized pursuant to this section hereof, the recreation and fish and wildlife enhancement benefits shall be limited to the number of visitor days and the value per visitor day which would take place on the basis of the provision of minimum facilities for public health and safety, and excluding any additional land which may be acquired expressly to provide for subsequent recreation or fish and wildlife enhancement development as provided under subsection 3(b); for projects authorized pursuant to this subsection, all costs allocated to recreation and fish and wildlife enhancement shall be nonreimbursable.

(b) In the absence of an indication of intent as specified in subsection 2(a), lands may be provided in connection with project construction to preserve the recreation of fish and wildlife enhancement potential of the project.

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and will bear not less than one-half the cost of lands, facilities, and project modifications provided for those purposes and all costs of operation, maintenance, and replacement of recreation and fish and wildlife enhancement facilities, not more than one-half the costs of lands provided pursuant to this subsection, and facilities and project modifications provided pursuant to the plan of development may be borne by the United States, and such costs shall be nonreimbursable. Such agreement and subsequent development shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph 1 of this subsection, the head of the agency having jurisdiction over the project shall offer the land for sale to its immediate prior owner at its appraised fair market value as approved by the head of such agency at the time of offer. If firm agreements to dispose of the land are not executed within ninety days of the date of such offer by the head of the agency, then the head of the agency shall determine whether such lands can be put to other use for programs of the agency or whether such lands should be reported as excess to the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed.

SEC. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the costs of operation, maintenance, and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be transferred to the non-Federal public bodies at no cost.

SEC. 5. Nothing herein shall be construed as preventing or discouraging postauthorization development of any project for recreation and fish and wildlife enhancement by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

SEC. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report on any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897).

The first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)) is amended to read as follows: "*Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities." The second proviso of subsection 2(d) of said Act is hereby repealed.

(c) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended.

(d) Sections 2, 3, 4, and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(e) As used in this Act, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(f) Subsection 6(a)(2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b)(1) of this Act.

(g) All payments and repayment by non-Federal public bodies under the provisions of this Act, and revenue from the conveyance by deed, lease, or otherwise, of lands under subsection 3(b)(2) of this Act, shall be deposited in the Treasury as miscellaneous receipts.

SEC. 7. The Secretary of the Interior is authorized as a part of any water resource

development project under his control heretofore authorized except projects or areas within national wildlife refuges, to construct, operate, and maintain or otherwise provide for basic public outdoor recreation facilities, such as boat ramps, picnic tables, beach areas, sanitation facilities, and parking areas of a total cost not to exceed \$50,000 for each water resource project.

SEC. 8. (a) The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease, conveyance, or exchange, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes.

(b) No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation purposes under the authority of this Act without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this Act. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation development of water resource projects or to disposition of public lands for recreational purposes.

SEC. 9. Effective on and after January 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law or specifically directed by either the Senate Committee on Interior and Insular Affairs, by a resolution adopted by such committee, any other provision of law notwithstanding.

SEC. 10. As used in this Act—

(a) The term "project" shall mean a project or any appropriate unit thereof.

(b) The term "cost" shall mean the value of goods and services (land, labor, and supplies) used for the establishment, maintenance, and operation of the project.

(c) The term "separable costs" shall mean the cost for each project purpose which is the difference between the cost of the multiple-purpose project and the cost of the project with the purpose omitted.

(d) The term "joint costs" shall mean the difference between the cost of the multiple-purpose project as a whole and the total of the separable costs for all project purposes.

(e) The term "feasibility report" shall mean any report of the scope required by the Congress when formally considering authorization of the project of which the report treats.

SEC. 11. This Act may be cited as the "Federal Water Project Recreation Act".

The PRESIDING OFFICER. The first committee amendment will be stated.

Mr. JACKSON. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the committee amendments are considered and agreed to en bloc.

Mr. ALLOTT. Mr. President, we have an understanding with respect to the committee amendments, and for that reason I did not speak while the question was pending a moment ago. Section 9 reads as follows:

SEC. 9. Effective on and after January 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law or specifically directed by either the Senate Committee on Interior and Insular Affairs, or the House Committee on Interior and Insular Affairs by a resolution adopted by such committee, any other provision of law notwithstanding.

I should now like to refer to Public Law 485, the Colorado River Storage Project Act, particularly section 2. Section 2 refers specifically to the Gooseberry, San Juan-Chama, Navajo, Parshall, Troublesome, Rabbit Ear, Eagle Divide, San Miguel, West Divide, Bluestone, Battlement Mesa, Tomichi Creek, East River, Ohio Creek, Fruitland Mesa, Bostwick Park, Grand Mesa, Dallas Creek, Savery-Pot Hook, Dolores, Fruit Growers Extension, Animas-La Plata, Yellow Jacket, Sublette, and Juniper participating projects.

All of these projects were included in the Colorado River Storage Project Act. While the distinguished chairman of the Committee on Interior and Insular Affairs [Mr. JACKSON] is in the Chamber, I should like to make this legislative history: That section 9 of S. 1229, if enacted, would not in any way modify the provisions of section 2 of Public Law 485, 84th Congress.

Mr. JACKSON. The Senator is correct. The fact is that section 9 makes two exceptions to the directive for prior approval of feasibility report investigations.

First—

Effective on and after January 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law.

Second—

or specifically directed by either the Senate Committee on Interior and Insular Affairs, or the House Committee on Interior and Insular Affairs by a resolution adopted by such committee, any other provision of law notwithstanding.

In the judgment of the committee, when this matter was considered, section 2 of Public Law 485 of the 84th Congress, relating to the Colorado River Storage Project Act, to which the distinguished

senior Senator from Colorado has referred, specifically directed the Department of the Interior to undertake investigations of the projects named in section 2 of that act.

I believe it is clear that the provision of section 9 of S. 1229, which states "has been specifically authorized by law," being an exception to the general provisions of the section, applies to the provisions of the Colorado River Storage Project Act, section 2.

Mr. ALLOTT. I thank the distinguished Senator from Washington. I take it, then, that he would agree with me, would he not, that in the general application of section 9, it was not contemplated by the committee, nor is it contemplated by the adoption of the amendment, that the language would in any way modify section 2 or any other portion of the Colorado River Storage Project Act, but that the investigations and the priority order provided in section 2 and the rest of the act, with respect to the participating projects in the Upper Colorado River Basin, would continue without any application to section 9 in the bill now pending?

Mr. JACKSON. The Senator has stated the facts correctly. In effect, what we have endeavored to do in S. 1229 is to amend section 2 of the Reclamation Act of 1902, as amended, which authorizes the Secretary of the Interior "to make examinations and surveys for and to locate and construct, in this act, irrigation works for the storage, diversion, and development of waters, including artesian wells."

I am reading, in part, from section 2 of the act of 1902, 32 Stat. 388, as amended.

This is the area to which we have directed section 9 of S. 1229. Section 9 does not apply where Congress has specifically authorized and directed surveys, feasibility reports, studies, and so on, such as those set forth in section 2 of the Colorado River Storage Project Act, as adopted in the 84th Congress.

Mr. ALLOTT. I thank the distinguished chairman of the committee.

Mr. President, I ask unanimous consent that section 2 of the Colorado River Project Act be printed at this point in the RECORD.

There being no objection, section 2 was ordered to be printed in the RECORD, as follows:

Sec. 2. In carrying out further investigations of projects under the Federal reclamation laws in the Upper Colorado River Basin, the Secretary shall give priority to completion of planning reports on the Gooseberry, San Juan-Chama, Navajo, Parshall, Troublesome, Rabbit Ear, Eagle Divide, San Miguel, West Divide, Bluestone, Battlement Mesa, Tomichi Creek, East River, Ohio Creek, Fruitland Mesa, Bostwick Park, Grand Mesa, Dallas Creek, Savery-Pot Hook, Dolores, Fruit Growers Extension, Animas-La Plata, Yellow Jacket, and Sublette participating projects. Said reports shall be completed as expeditiously as funds are made available therefor and shall be submitted promptly to the affected States, which in the case of the San Juan-Chama project shall include the State of Texas, and thereafter to the President and the Congress; *Provided*, That with reference to the plans and specifications for the San Juan-Chama project, the storage for control and regulation of water imported from the San Juan River shall (1) be limited to a

single offstream dam and reservoir on a tributary of the Chama River, (2) be used solely for control and regulation and no power facilities shall be established, installed or operated thereat, and (3) be operated at all times by the Bureau of Reclamation of the Department of the Interior in strict compliance with the Rio Grande Compact as administered by the Rio Grande Compact Commission. The preparation of detailed designs and specifications for the works proposed to be constructed in connection with projects shall be carried as far forward as the investigations thereof indicate is reasonable in the circumstances.

The Secretary, concurrently with the investigations directed by the preceding paragraph, shall also give priority to completion of a planning report on the Juniper project.

Mr. JACKSON. Mr. President, this matter was discussed in committee. It was understood by the members of the committee that section 9 of the pending bill would not apply to the situation or the situations related by the distinguished senior Senator from Colorado.

Mr. ALLOTT. I thank the Senator from Washington.

Mr. President, on another point relating to the bill, indirectly, although it is not the subject matter of the bill, Public Law 88-578, the Land and Water Conservation Fund Act provides in section 5 (g):

COORDINATION WITH FEDERAL AGENCIES.—In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 and section 701 of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations.

It was my intention to offer an amendment to this bill, S. 1229, because it has come to our attention during the past few days that a memorandum or an Executive order has been traveling around in the executive agencies of the Government which we were afraid might have the effect of changing this particular section's legislative intent.

The import of such order, as it came to the attention of the senior Senator from Colorado, was that it might transfer a part of the funds or the functions of the Land and Water Conservation Fund Act to the Administrator of the Housing and Home Finance Agency. Now, reading from page 25 of House Report No. 900, 88th Congress, 1st session, we find the following language dealing with section 5(g) of the Land and Water Conservation Fund Act:

Subsection (g) of section 5 authorizes the President to issue regulations which will assure consistency between policies and actions under this bill and those under other Federal programs, particularly the open-space program of the Housing and Home Finance Agency. It does not authorize transfer of functions between agencies.

I believe the last sentence makes it abundantly clear that a transfer of functions was not contemplated.

When I was informed that this matter was to be called up today, I was concerned because the present bill, if an

amendment is needed, seems an appropriate vehicle for such an amendment, although the purposes of the bill are a little different. After speaking with the distinguished majority leader, he obtained a letter from Mr. Lee C. White, special counsel to the President, under date of April 12, 1965. The distinguished Senator from Washington [Mr. JACKSON] has seen this letter which the distinguished majority leader has handed to me.

The letter is addressed to Senator MANSFIELD. I read the first paragraph particularly. It reads as follows:

We have checked into the question which you have raised about the draft Executive order defining the financing responsibility of the Department of the Interior and the Housing Agency for the Land and Water Conservation Fund and open spaces program. I can assure you that there is nothing in the draft order, nor has it ever been contemplated, that any funds or functions would be transferred from Interior to Housing.

It is exactly that point that caused me to ask that the bill be delayed. The question has bothered me. In House Report No. 900, to which I referred a few moments ago, under date of November 14, 1963, it is said definitely that it does not authorize the transfer of functions between agencies.

If this Executive order had purported to transfer, under the Land Conservation Fund Act, either the function of the Interior Department or money from the Land Water Conservation Fund, I would have been compelled to offer an amendment to the pending legislation.

I ask the distinguished chairman of the committee, the distinguished majority leader, if it is now understood from this letter that neither the functions nor any portion of the money under that proposed Executive order will be transferred to the HHFA from the Interior Department.

Mr. JACKSON. Mr. President, the Senator has stated my understanding. In addition, I should say that the sole purpose of the provision in the Land and Water Conservation Fund Act which the Senator quoted is to provide for proper coordination among the agencies, as distinguished from the movement of entire functions from one department to another. This distinction, it seems to me, is one of substance. This meaning and intent of the law should be made plain and should be followed in the executive branch.

The letter, which I take it the Senator will place in the RECORD, corroborates the understanding that I had. In addition, the proposed Executive order would not have affected in any manner, shape, or form, the pending measure before the Senate, S. 1229.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished senior Senator from Colorado, my answer is in the affirmative.

Mr. ALLOTT. Mr. President, I appreciate the response.

I ask unanimous consent that the letter signed by Lee C. White, special counsel to the President, which the distinguished majority leader procured, be

printed at this point in the RECORD as part of the legislative history of this matter, in order that there will not, by Executive order, or through inadvertence in one of the executive establishments of the Government, be placed into effect an Executive order which would attempt to transfer either any of the functions or a part of the moneys from the Land and Water Conservation Fund to any other department of the Government whatever.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, D.C., April 12, 1965.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: We have checked into the question which you have raised about the draft Executive order defining the financing responsibility of the Department of the Interior and the Housing Agency for the land and water conservation fund and open spaces program. I can assure you that there is nothing in the draft order, nor has it ever been contemplated, that any funds or functions would be transferred from Interior to Housing.

What the Budget Bureau has been trying to do is to establish working procedures so that the cities would know how to function under the open spaces program; that is, the procedures for applying to the Housing Agency for funds. The land and water conservation fund is a new program. The open spaces program proposed in 1961 has been a very successful one.

Thus it has been our intention to establish working procedures so as to avoid confusion and duplication between the two agencies.

The Bureau of the Budget has talked with both Secretary Udall and HHFA Administrator Weaver and has asked them to establish an agreeable procedure. We are sure that such an agreement can be worked out.

The problem has nothing to do with S. 1229, which deals with the development of recreation around Federal reservoir projects. We think this is a good bill and hope that Congress will act on it favorably in the near future.

Sincerely,

LEE C. WHITE,
Special Counsel to the President.

Mr. ALLOTT. Mr. President, I thank the distinguished majority leader and the distinguished chairman of the committee.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 1229) was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read: "A bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes."

Mr. JACKSON. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. I yield to the majority leader.

POWERHOUSE AT GRAND COULEE DAM (H. DOC. NO. 142)

Mr. MANSFIELD. Mr. President, the Interior and Insular Affairs Committee held hearings today on the proposal to construct a third powerhouse at Grand Coulee Dam in Washington State.

President Johnson has personally endorsed this project and accordingly has transmitted to Congress authorizing legislation.

The hearing record will remain open for 10 days after which the Interior Committee will commence executive consideration of the bill.

I ask unanimous consent that the text of President Johnson's letter be printed in full at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. HUBERT H. HUMPHREY,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Electricity is a basic requirement of modern society. It is vital to our industries, farms, and homes. The Nation's rapidly expanding use of electricity is expected to more than double and perhaps triple by 1980. This calls for the combined efforts of all segments of the power industry—private, cooperative, and public. Therefore, I am pleased to transmit herewith the report of the Secretary of the Interior concerning the economic and engineering feasibility of a third powerplant at Grand Coulee Dam on the Columbia River and a draft of authorizing legislation. I have approved the Secretary's report and recommend that the draft legislation be enacted to authorize the construction of this outstanding project.

The proposed third powerplant will ultimately add 3.6 million kilowatts of generating capacity to the 2 million kilowatts at the two existing powerplants. When completed, the total capacity of the powerplants at Grand Coulee Dam will total 5.6 million kilowatts. It will be larger than any single hydroelectric development in the world today.

Authorization and construction of the third powerplant at the Grand Coulee Dam will further the orderly development of the vast water resources of the Columbia River. This is the next logical step following two important events which occurred last year.

First, Prime Minister Pearson, of Canada, and I met last September to proclaim the Columbia River treaty for cooperative development of the Columbia River—one of the great rivers of this continent. Canada has already started construction of huge dams to store water on its side of the border. These reservoirs will provide 15.5 million acre-feet of water storage in Canada. This storage capacity will provide increased protection of people and property in both countries from devastating floods and greatly enhance the hydroelectric potential of powerplants on the Columbia River.

The United States must construct additional power-generating facilities at its existing system of dams to take full advantage of this potential. The Grand Coulee Dam, because of its location in relation to other Columbia River powerplants, its height, its large reservoir capacity, and the reregulation of riverflow by Chief Joseph Dam immediately downstream, will develop a major share of the increased power potential made possible by the treaty.

Second, the Congress approved last year a four-line, extra-high voltage transmission intertie between the Pacific Northwest and the Pacific Southwest. It represents exciting new developments in electric power tech-

nology. It is the largest single electrical transmission program ever undertaken in this country and is one of the finest examples of cooperation among publicly owned and privately owned utilities and the Federal Government.

The rapidly growing demands for electric power in the Pacific Northwest will readily absorb the power produced by the proposed powerplant. However, some peaking power and secondary (not regularly available) power that is surplus to the needs of the Northwest in the early years of the project can be marketed in the Pacific Southwest over the intertie. Thus, the intertie will permit maximum utilization of the waters flowing past Grand Coulee Dam, resulting in conservation in its truest sense.

The economic and financial feasibility of the third powerplant are exceptionally favorable. The benefit-cost ratio is more than 3 to 1. Revenues from the sale of power will more than pay for the capital investment within 50 years. In addition to power benefits, the project will provide increased flood protection benefits by improving control of water stored in Franklin D. Roosevelt Lake behind Grand Coulee Dam.

Accordingly, I commend the Secretary's report to your consideration and recommend early enactment of the authorizing legislation which I have transmitted.

Sincerely,

LYNDON B. JOHNSON.

Mr. PROXMIRE. Mr. President, I yield to the distinguished Senator from Colorado.

THE FOUR FACES OF PROFESSIONALISM

Mr. ALLOTT. Mr. President, on April 3, 1965, Commissioner of Reclamation Floyd E. Dominy made a speech before the National Society of Professional Engineers in Denver, Colo. The speech was released April 3.

The speech is a very well-deserved tribute to the professional engineers of the Bureau of Reclamation, located in the Federal center in Denver. I have long had a very high personal regard for people who work in an antiquated building under very adverse conditions. It is almost impossible to conceive of these conditions—cold and drafty in the winter, and dusty, hot, and stifling in the summer. I have paid my tributes to these people before, and I do so again.

Mr. Dominy pointed out the very high quality of the service that they render. Mr. Dominy also pointed out that Glen Canyon Dam was selected by the American Society of Civil Engineers as the outstanding civil engineering achievement in 1964, an achievement which represents the greatest contribution to civil engineering and mankind. Certainly this is a tribute to the professionalism of the engineering staff of the Bureau of Reclamation.

I ask unanimous consent that the enlightening speech of Commissioner Dominy, delivered on April 2, 1965, be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE FOUR FACES OF PROFESSIONALISM

(Remarks of Commissioner of Reclamation Floyd E. Dominy, Department of the Interior, before the National Society of Professional Engineers, Denver, Colo., April 2, 1965)

On my flight down to Denver from Wenatchee, Wash., this afternoon, I re-

flected on the broad implications of the Glen Canyon development which will be the subject of my slide lecture this afternoon.

What vital essential made it possible to build the Glen Canyon unit, with its Glen Canyon Dam, powerplant, and bridge? Why is the unit now called one of the "new wonders of the world"? Why was it selected by the American Society of Civil Engineers as the "outstanding civil engineering achievement of 1964, representing the greatest contribution to civil engineering and mankind"?

I came to the conclusion that the answer to these questions could be summed up in one word "professionalism." Professionalism has proficiency, perspective, progressiveness, and prestige.

These qualities are the four faces of professionalism. They are the broad attributes distinguishing the professional in any discipline. They are the distinguishing marks of the doctor, lawyer, scientist, engineer. They are the unique characteristics which delineate the professionals in our society, commanding the respect and admiration of all.

In the sphere of water resource development, they are also the basic elements of professional engineering which made possible the conception, development, and now, operation, of such huge undertakings as the Glen Canyon unit.

Proficiency is an unquestioned quality of the professional. Proficiency is experience, knowledge, competence. It is the attribute perhaps best associated in the public mind with the professional engineer because of his high standards of performance, accuracy, attention to detail, and unswerving dedication to the principles of economy, safety, and service to the public.

High technical competence is paramount in all engineering activity of the Bureau of Reclamation—from reconnaissance, planning, design, research, construction, and through operation and maintenance. In the office of our chief engineer here in Denver, alone, there are more than 400 registered professional engineers whose technical proficiency is recognized throughout the world. These career employees have had many years of highly specialized experience in water resource development work.

This professional competence and experience were translated in terms of concrete and steel in the engineering development of the Glen Canyon unit. Because of their wide experience in the design of dams, our engineers conceived and brought to fruition the 710-foot-high Glen Canyon Dam, the second highest dam in the western hemisphere. It is exceeded in height only by Hoover Dam, which we built a generation ago lower down on the Colorado River.

Our bridge engineers conceived and designed the beautiful Glen Canyon Bridge which spans the Colorado River a short distance from the dam. The bridge is more than 700 feet above the river level and is the highest and second longest of its type in the United States. The American Institute of Steel Construction paid high tribute to the technical skills of our engineers by naming the bridge the most beautiful, among those with spans of 400 feet or more, opened to traffic in 1959.

Proficiency of other engineers on our staff is exemplified by their design and development of the modern community of Page, Ariz., which was constructed near the Glen Canyon damsite. Land surrounding the damsite was a barren, sagebrush-covered desert when construction began in 1956. Today there stands a model community designed by our professional engineers who utilized skills in community planning, residential development, sewage treatment, water supply, and in structural and architectural design in its development. The community served the needs of 6,000 people during the peak construction period and today is an ideal small town which will grow with the further recreational development of the area.

Professionalism in water resource development, similar to a vector in engineering, must have not only magnitude but also direction. This direction I call perspective. By perspective I mean the capacity of the professional to view his activity in its true relationship with the needs and aspirations of others and to understand the relative significance of his professional endeavor.

The professional is keenly aware that technical proficiency is not enough. He understands what can and should be done, which calls for value judgments and social decisions. This is a singular quality of the professional. It characterizes the professional at his best. It is the distinction of the dedicated, the highly principled, the truly responsive.

This outlook on the broad implications of their endeavors is a characteristic of the Bureau of Reclamation's professional engineers. It is intrinsic in our development of the West's water and related land resources. From the beginning of Reclamation shortly after the turn of the century, we have enjoyed the confidence of our professional peers and the public because we have been responsive to the changing needs which arise from the ever-continuing growth of the West's population and economy.

Reclamation, from the early concept of public land settlement through irrigated family farms, has evolved into a multiple-purpose water resource development program which now embraces a wide range of beneficial uses for urban and rural areas and industry. Benefits from reclamation projects flow to cities, farms, and industry, and reach virtually every sector of the local, regional, and national economies. These benefits include all individuals in the Great Society in pursuit of recreation and enjoyment of the great outdoors.

Our perspective also encompasses the mandates of sound business principles which are at the core of the public interest. We have a responsibility to all the people of the United States that the greatest good be derived from our projects and that the projects are financially sound to guarantee the return of the Government's investment. In keeping with this principle and obligation, nearly 90 cents of every dollar appropriated for reclamation construction since 1902 is repayable to the U.S. Treasury by the direct beneficiaries of reclamation projects, those who till the farms and those who buy the power and the municipal and industrial water.

At the same time, our viewpoint is sufficiently broad gaged to recognize our professional obligation to the beneficiaries of our projects who repay the costs of construction. We must design and build economically and efficiently to assure them that they are receiving the best at the lowest possible costs.

The responsibility to discharge professional obligations under the public trust carries also with it the responsibility for continued growth and development. This responsibility I call progressiveness, the third face of professionalism.

This quality of the professional is what the late Charles F. Kettering called the characteristic of the composer mind as contrasted with the fiddler mind. Progressiveness is the mark of the bold, inventive mind, constantly seeking new and better ways to advance professional goals, not the complacent mind, content to plod along routine paths.

It is the attitude of looking ahead, a willingness to improve. It is the drive, resourcefulness, and initiative of the intellectually curious. It is the strenuous effort to extend new professional horizons for the betterment of all. It is the constant setting of new plateaus to be reached in technical proficiency.

In this area of professionalism, I believe the National Society of Professional Engineers and other professional societies have made their greatest gains. The breathtaking surge of technological development

89TH CONGRESS
1ST SESSION

S. 1229

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 1965

Referred to the Committee on Interior and Insular Affairs

AN ACT

To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That it is the policy of the Congress and the intent of this
4 Act that (a) full consideration shall be given to outdoor
5 recreation opportunities and fish and wildlife enhancement
6 where these can be provided or enhanced in the investiga-
7 tion, planning, construction, operation, and maintenance of
8 Federal navigation, flood control, reclamation, hydroelectric
9 and multiple-purpose water resource projects; (b) planning
10 with respect to the development of the recreation potential

1 of any such project shall be based on the coordination of the
2 recreational use of the project area with the use of existing
3 and planned Federal, State, or local public recreation de-
4 velopments; and (c) project construction agencies shall
5 encourage non-Federal public bodies to administer project
6 land and water areas for recreation and fish and wildlife
7 enhancement purposes and operate, maintain, and replace
8 facilities provided for those purposes unless such areas or
9 facilities are authorized by law for inclusion within a na-
10 tional recreation area, or are appropriate for administration
11 by a Federal agency as a part of the national forest system,
12 as a part of the public lands classified for retention in Federal
13 ownership, or in connection with an authorized Federal pro-
14 gram for the conservation and development of fish and
15 wildlife.

16 SEC. 2. (a) If, before authorization of a project, non-
17 Federal public bodies indicate their intent in writing to agree
18 to administer project land and water areas for recreation and
19 fish and wildlife enhancement pursuant to a plan of develop-
20 ment and to bear not less than one-half the separable costs
21 of the project allocated to recreation and fish and wildlife
22 enhancement and all the costs of operation, maintenance, and
23 replacement of recreation and fish and wildlife enhancement
24 lands and facilities: (1) the benefits of the project to recre-
25 ation and fish and wildlife enhancement shall be taken into

1 account in determining the economic benefits of the project;
2 (2) costs shall be allocated to the purposes of recreation and
3 fish and wildlife enhancement and to other purposes in a
4 manner which will insure that all project purposes share
5 equitably in the advantages of multiple-purpose construc-
6 tion: *Provided*, That the costs allocated to recreation or fish
7 and wildlife enhancement shall not exceed the lesser of the
8 benefits from those functions or the costs of providing rec-
9 reation or fish and wildlife enhancement benefits of reason-
10 ably equivalent use and location by the least costly alterna-
11 tive means; and (3) not more than one-half the separable
12 costs and all the joint costs of the project allocated to recre-
13 ation and fish and wildlife enhancement shall be borne by
14 the United States and be nonreimbursable. Projects au-
15 thorized before January 1, 1966, may include recreation and
16 fish and wildlife enhancement on the foregoing basis without
17 the required indication of intent. Execution of an agreement
18 as aforesaid shall be a prerequisite to commencement of con-
19 struction of projects authorized pursuant to this section.

20 (b) The non-Federal share of the separable costs of the
21 project allocated to recreation and fish and wildlife enhance-
22 ment shall be borne by non-Federal interests, under either
23 or both of the following methods as may be determined
24 appropriate by the head of the Federal agency having juris-
25 diction over the project: (1) payment, or provision of lands,

1 interests therein, or facilities for the project; or (2) repay-
2 ment, with interest at a rate comparable to that for other
3 interest-bearing functions of Federal water resource projects,
4 within fifty years of first use of project recreation or fish and
5 wildlife enhancement facilities: *Provided*, That the source of
6 repayment may be limited to entrance and user fees or charges
7 collected at the project by non-Federal interests if the fee
8 schedule and the portion of fees dedicated to repayment are
9 established on a basis calculated to achieve repayment as
10 aforesaid and if the fee schedule and the portion of fees dedi-
11 cated to repayment are made subject to review and renego-
12 tiation at intervals of not more than five years.

13 SEC. 3. (a) In the absence of an indication of intent as
14 specified in subsection 2 (a) , facilities or project modifications
15 shall not be provided expressly for recreation and fish and
16 wildlife enhancement ; minimum facilities for the public health
17 and safety may be provided at access points provided by
18 roads existing at the time of project construction and roads
19 constructed for the administration and management of the
20 project. For projects authorized pursuant to this section
21 hereof, the recreation and fish and wildlife enhancement ben-
22 efits shall be limited to the number of visitor days and the
23 value per visitor day which would take place on the basis of
24 the provision of minimum facilities for public health and
25 safety, and excluding any additional land which may be

1 acquired expressly to provide for subsequent recreation or
2 fish and wildlife enhancement development as provided un-
3 der subsection 3 (b) ; for projects authorized pursuant to this
4 subsection, all costs allocated to recreation and fish and wild-
5 life enhancement shall be nonreimbursable.

6 (b) In the absence of an indication of intent as specified
7 in subsection 2 (a) , lands may be provided in connection with
8 project construction to preserve the recreation and fish and
9 wildlife enhancement potential of the project.

10 (1) If non-Federal public bodies execute an agree-
11 ment within ten years after initial operation of the proj-
12 ect which agreement shall provide that the non-Federal
13 public bodies will administer project land and water
14 areas for recreation and fish and wildlife enhancement
15 pursuant to a plan of development and will bear not less
16 than one-half the cost of lands, facilities, and project
17 modifications provided for those purposes and all costs
18 of operation, maintenance, and replacement of recreation
19 and fish and wildlife enhancement facilities, not more
20 than one-half the costs of lands provided pursuant to
21 this subsection, and facilities and project modifications
22 provided pursuant to the plan of development may be
23 borne by the United States and such costs shall be non-
24 reimbursable. Such agreement and subsequent develop-

ment shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph 1 of this subsection, the head of the agency having jurisdiction over the project shall offer the land for sale to its immediate prior owner at its appraised fair market value as approved by the head of such agency at the time of offer. If firm agreements to dispose of the land are not executed within ninety days of the date of such offer by the head of the agency, then the head of the agency shall determine whether such lands can be put to other use for programs of the agency or whether such lands should be reported as excess to the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed.

SEC. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the costs of

1 operation, maintenance, and replacement of existing facilities
2 serving those purposes, such facilities and appropriate proj-
3 ect lands may be transferred to the non-Federal public
4 bodies at no cost.

5 SEC. 5. Nothing herein shall be construed as preventing
6 or discouraging postauthorization development of any proj-
7 ect for recreation and fish and wildlife enhancement by non-
8 Federal public bodies pursuant to agreement with the head
9 of the Federal agency having jurisdiction over the project.
10 Such development shall not be the basis for any allocation
11 or reallocation of project costs to recreation or fish and
12 wildlife enhancement.

13 SEC. 6. (a) The views of the Secretary of the Interior
14 developed in accordance with section 3 of the Act of May
15 28, 1963 (77 Stat. 49), with respect to the outdoor
16 recreation aspects shall be set forth in any report on any
17 project or appropriate unit thereof within the purview of
18 this Act. Such views shall include a report on the extent
19 to which the proposed recreation and fish and wildlife de-
20 velopment conforms to and is in accord with the State
21 comprehensive plan developed pursuant to subsection 5 (d)
22 of the Land and Water Conservation Fund Act of 1965
23 (78 Stat. 897).

24 (b) The first proviso of subsection 2 (d) of the Act of
25 August 12, 1958 (72 Stat. 563; 16 U.S.C. 662 (d)) is

1 amended to read as follows: “*Provided*, That such cost at-
2 tributable to the development and improvement of wildlife
3 shall not extend beyond that necessary for (1) land acqui-
4 sition, (2) facilities as specifically recommended in water
5 resource project reports, (3) modification of the project, and
6 (4) modification of project operations, but shall not include
7 the operation of wildlife facilities.” The second proviso of
8 subsection 2 (d) of said Act is hereby repealed.

9 (c) This Act shall not apply to the Tennessee Valley
10 Authority, nor to projects constructed under authority of
11 the Small Reclamation Projects Act, as amended, or under
12 authority of the Watershed Protection and Flood Prevention
13 Act, as amended.

14 (d) Sections 2, 3, 4, and 5 of this Act shall not apply
15 to nonreservoir local flood control projects, beach erosion
16 control projects, small boat harbor projects, hurricane pro-
17 tection projects, or to project areas or facilities authorized by
18 law for inclusion within a national recreation area or appro-
19 priate for administration by a Federal agency as a part of the
20 national forest system, as a part of the public lands classified
21 for retention in Federal ownership, or in connection with an
22 authorized Federal program for the conservation and devel-
23 opment of fish and wildlife.

24 (e) As used in this Act, the term “nonreimbursable”

1 shall not be construed to prohibit the imposition of entrance,
2 admission, and other recreation user fees or charges.

3 (f) Subsection 6 (a) (2) of the Land and Water Con-
4 servation Fund Act of 1965 (78 Stat. 897) shall not apply
5 to costs allocated to recreation and fish and wildlife enhance-
6 ment which are borne by the United States as a nonreimburs-
7 able project cost pursuant to subsection 2 (a) or subsection
8 3 (b) (1) of this Act.

9 (g) All payments and repayment by non-Federal public
10 bodies under the provisions of this Act, and revenue from the
11 conveyance by deed, lease, or otherwise, of lands under sub-
12 section 3 (b) (2) of this Act, shall be deposited in the
13 Treasury as miscellaneous receipts.

14 SEC. 7. The Secretary of the Interior is authorized
15 as a part of any water resource development project under
16 his control heretofore authorized, except projects or areas
17 within national wildlife refuges, to construct, operate, and
18 maintain or otherwise provide for basic public outdoor recre-
19 ation facilities, such as boat ramps, picnic tables, beach areas,
20 sanitation facilities, and parking areas of a total cost not to
21 exceed \$50,000 for each water resource project.

22 SEC. 8. (a) The Secretary of the Interior is author-
23 ized to enter into agreements with Federal agencies or State
24 or local public bodies for the administration of project land

1 and water areas and the operation, maintenance, and replace-
2 ment of facilities and to transfer project lands or facilities to
3 Federal agencies or State or local public bodies by lease,
4 conveyance, or exchange, upon such terms and conditions as
5 will best promote the development and operation of such
6 lands or facilities in the public interest for recreation
7 purposes.

8 (b) No lands under the jurisdiction of any other Fed-
9 eral agency may be included for or devoted to recreation
10 purposes under the authority of this Act without the consent
11 of the head of such agency; and the head of any such agency
12 is authorized to transfer any such lands to the jurisdiction of
13 the Secretary of the Interior for purposes of this Act. The
14 Secretary of the Interior is authorized to transfer jurisdiction
15 over project lands within or adjacent to the exterior bound-
16 aries of national forests and facilities thereon to the Secretary
17 of Agriculture for recreation and other national forest system
18 purposes; and such transfer shall be made in each case in
19 which the project reservoir area is located wholly within
20 the exterior boundaries of a national forest unless the Secre-
21 taries of Agriculture and Interior jointly determine other-
22 wise. Where any project lands are transferred hereunder
23 to the jurisdiction of the Secretary of Agriculture, the lands
24 involved shall become national forest lands: *Provided*, That
25 the lands and waters within the flow lines of any reservoir

1 or otherwise needed or used for the operation of the project
2 for other purposes shall continue to be administered by the
3 Secretary of the Interior to the extent he determines to be
4 necessary for such operation. Nothing herein shall limit the
5 authority of the Secretary of the Interior granted by existing
6 provisions of law relating to recreation development of water
7 resource projects or to disposition of public lands for recrea-
8 tional purposes.

9 SEC. 9. Effective on and after January 1, 1966, neither
10 the Secretary of the Interior nor any bureau nor any person
11 acting under his authority shall engage in the preparation
12 of any feasibility report with respect to any water resource
13 project unless the preparation of such feasibility report has
14 been specifically authorized by law or specifically directed by
15 either the Senate Committee on Interior and Insular Affairs,
16 or the House Committee on Interior and Insular Affairs
17 by a resolution adopted by such committee, any other pro-
18 vision of law notwithstanding.

19 SEC. 10. As used in this Act—

20 (a) The term “project” shall mean a project or any
21 appropriate unit thereof.

22 (b) The term “cost” shall mean the value of goods and
23 services (land, labor, and supplies) used for the establish-
24 ment, maintenance, and operation of the project.

25 (c) The term “separable costs” shall mean the cost for
26 each project purpose which is the difference between the cost

1 of the multiple-purpose project and the cost of the project
2 with the purpose omitted.

3 (d) The term "joint costs" shall mean the difference
4 between the cost of the multiple-purpose project as a whole
5 and the total of the separable costs for all project purposes.

6 (e) The term "feasibility report" shall mean any report
7 of the scope required by the Congress when formally consid-
8 ering authorization of the project of which the report treats.

9 SEC. 11. This Act may be cited as the "Federal Water
10 Project Recreation Act".

Passed the Senate April 13, 1965.

Attest:

FELTON M. JOHNSTON,

Secretary.

AN ACT

To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes.

APRIL 14, 1965

Referred to the Committee on Interior and Insular
Affairs

11. SOIL CONSERVATION. Rep. Shriver commended the Soil Conservation Service and stated that he would "support full restoration of funds to the agricultural conservation program and \$20 million for soil conservation services." pp. 8341-2
12. DAYLIGHT SAVING TIME. Rep. Fraser spoke in support of his bill to require that all States that have daylight saving time go on and off on the same dates. p. 8347
13. FOREIGN AID. Rep. Fraser announced that the weekly foreign aid discussions sponsored by a bipartisan group from the Foreign Affairs Committee would resume on Apr. 28. pp. 8347-8
14. Peace Corps. Received from the State Department a proposed bill "to amend further the Peace Corps Act (75 Stat. 612), as amended"; to Foreign Affairs Committee. p. 8352
15. WILDLIFE. The Interior and Insular Affairs Committee reported with amendment H. R. 5269, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control (H. Rept. 254). p. 8352
16. PERSONNEL. The Judiciary Committee reported without amendment H. R. 6691, to validate certain over-payments made by the Forest Service to Southeastern Indian firefighter crews from N. Mex. and Ariz. (H. Rept. 262). p. 8352
17. TRADE FAIRS. A subcommittee of the Merchant Marine Committee voted to report to the full committee H. R. 4525, to amend the Merchant Marine Act, 1936, to provide for the continuation of authority to develop American-flag carriers and promote the foreign commerce of the United States through the use of mobile trade fairs. p. D324
18. FOREIGN TRADE. Rep. Saylor criticized our foreign spending policies and inserted portions of a report which he stated "substantiates the fact that the major world trading countries...favor their domestic concerns to the almost complete exclusion of U. S. products." pp. 8321-37

ITEMS IN APPENDIX

19. LANDS. Sen. Moss inserted an address by Irving Senzel, Chief, Division of Lands and Minerals, Bureau of Land Management, "Comprehensive Land-Use planning and the Public Domain." pp. A1965-6
20. POSTAL SERVICE. Extension of remarks of Rep. Cunningham criticizing the postal service and inserting several of the "hundreds of letters" he has received from constituents favoring an investigation of the quality of the service. pp. A1970-1
21. WATER. Extension of remarks of Rep. Senner defending his position that the construction of two dams on the Lower Colorado River Basin project will not "drown the Grand Canyon." pp. A1972-3

22. FARM PROGRAM. Extension of remarks of Rep. Laird inserting a letter to the editor criticizing farm policies and stating that it "merits the attention of all my colleagues who are seriously concerned about the agriculture policies of the current administration." pp. A1975-6
23. LEGISLATIVE PROGRAM. Rep. Harvey inserted an article, "More Caution, Less Speed Badly Needed As Congress Rushes Welfare Legislation." p. A1979
24. WATERSHEDS. Extension of remarks of Rep. Callan praising and urging an expansion of the small watershed program. p. A1982
25. PESTICIDES. Extension of remarks of Rep. Rosenthal inserting an article, "Mr. Whitten and 'Silent Spring'", critical of the H. Appropriations Subcommittee report and stating that "Now it will be necessary for Secretary Freeman to be alert to see that some of his departmental bureaucrats do not seize upon the Whitten report as an excuse to revert to old errors." p. A1986
26. 4-H CLUBS. Extension of remarks of Rep. Sikes inserting the prize-winning speech of a 4-H Club member. p. A1986
27. WATER POLLUTION. Rep. Blatnik inserted "the graphic statement of the mounting demand for stronger action to combat water pollution of the Great Lakes." pp. A1987-8
28. SOIL CONSERVATION. Extension of remarks of Rep. Cooley saluting the Soil Conservation Service on their 30th anniversary and stating that "...it is a matter of consternation to Members of this House that the administration now has submitted to the Congress a proposal that would withdraw the Government from full participation and leadership in the conservation movement." p. A1994

BILLS INTRODUCED

29. COFFEE. S. 1830 by Sen. Inouye, to amend the Agricultural Act of 1949, as amended, in order to provide a price support program for coffee produced in the State of Hawaii; to Agriculture and Forestry Committee.
30. PATENTS. H. R. 7635 by Rep. Pool, to amend section 1498 of title 28, United States Code, to authorize the use of manufacture, in certain cases, by or for the United States of any invention described in and covered by a patent of the United States; to Judiciary Committee. Remarks of author pp. 8301-2
H. J. Res. 431 by Rep. Willis, extending the duration of copyright protection in certain cases; to Judiciary Committee.
31. PROPERTY. H. R. 7632 by Rep. Moeller, to provide for the conveyance of certain real property of the United States to the city of Athens, Ohio; to Agriculture Committee.
32. PERSONNEL. H. R. 7633 by Rep. Pelly, to amend the Civil Service Retirement Act so as to provide relief for those employees involuntarily separated from service; to Post Office and Civil Service Committee.

FEDERAL WATER PROJECT RECREATION ACT

APRIL 27, 1965.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ASPINALL, from the Committee on Interior and Insular Affairs, of the submitted the following

REPORT

[To accompany H. R. 5269]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 5269) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following language:

That it is the policy of the Congress and the intent of this Act that (a) in investigating and planning any Federal navigation, flood control, reclamation, hydroelectric, or multiple-purpose water resource project, full consideration shall be given to the opportunities, if any, which the project affords for outdoor recreation and for fish and wildlife enhancement and that, wherever any such project can reasonably serve either or both of these purposes consistently with the provisions of this Act, it shall be constructed, operated, and maintained accordingly; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are included or proposed for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

SEC. 2. (a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water

areas for recreation or fish and wildlife enhancement or for both of these purposes pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and to bear not less than one-half the separable costs of the project allocated to either or both of said purposes, as the case may be, and all the costs of operation, maintenance and replacement incurred therefor—

(1) the benefits of the project to said purpose or purposes shall be taken into account in determining the economic benefits of the project;

(2) costs shall be allocated to said purpose or purposes and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means; and

(3) not more than one-half the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable.

Projects authorized during the calendar year 1965 may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of any project to which this subsection is applicable.

(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project:

(1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and are made subject to review and renegotiation at intervals of not more than five years.

SEC. 3. (a) No facilities or project modifications which will furnish recreation or fish and wildlife enhancement benefits shall be provided in the absence of the indication of intent with respect thereto specified in subsection 2(a) of this Act unless (1) such facilities or modifications serve other project purposes and are justified thereby without regard to such incidental recreation or fish and wildlife enhancement benefits as they may have or (2) they are minimum facilities which are required for the public health and safety and are located at access points provided by roads existing at the time of project construction or constructed for the administration and management of the project. Calculation of the recreation and fish and wildlife enhancement benefits in any such case shall be based on the number of visitor days anticipated in the absence of recreation and fish and wildlife enhancement facilities or modifications except as hereinbefore provided and on the value per visitor-day of the project without such facilities or modifications. Project costs allocated to recreation and fish and wildlife enhancement on this basis shall be nonreimbursable.

(b) Notwithstanding the absence of an indication of intent as specified in subsection 2(a), lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project.

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project (which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation or fish and wildlife enhancement or both pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and will bear not less than one-half the costs of lands, facilities, and project modifications provided for either or both of those purposes, as the case may be, and all costs of operation, maintenance, and replacement attributable thereto), the remainder of the costs of lands, facilities and project modifications provided pursuant to this paragraph shall be nonreimbursable. Such agreement and subsequent development, however, shall not be the basis for any reallocation of joint costs of the project to recreation of fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of this subsection, the head of the agency having jurisdiction over the project may utilize the lands for any lawful purpose within the jurisdiction of his agency, or may transfer custody of the lands to another Federal agency for use for any lawful purpose within the jurisdiction of that agency, or may lease the lands to a non-Federal public body, or may transfer the lands to the Administrator of General Services for disposition in accordance with the surplus property laws of the United States. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed, and in every case preference shall be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential.

SEC. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the costs of operation, maintenance, and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be leased to non-Federal public bodies.

SEC. 5. Nothing herein shall be construed as preventing or discouraging post-authorization development of any project for recreation or fish and wildlife enhancement or both by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of projects costs to recreation or fish and wildlife enhancement.

SEC. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report on any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Act of 1965 (78 Stat. 897).

(b) The first proviso of subsection 2(d) of the Act of August 21, 1958 (72 Stat. 563; 16 U.S.C. 662(d)) is amended to read as follows: "*Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities." The second proviso of subsection 2(d) of said Act is hereby repealed.

(c) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed \$28,000,000: *Provided*, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

(d) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended.

(e) Sections 2, 3, 4, and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(f) As used in this Act, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(g) Subsection 6(a)(2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b)(1) of this Act.

(h) All payments and repayment by non-Federal public bodies under the provisions of this Act, and revenue from the conveyance by deed, lease, or other-

wise, of lands under subsection 3(b)(2) of this Act, shall be deposited in the Treasury as miscellaneous receipts.

SEC. 7. (a) The Secretary of the Interior is authorized as a part of any water resource development project under his control heretofore or hereafter authorized or reauthorized, except projects or areas within national wildlife refuges, to investigate, plan, construct, operate, and maintain or otherwise provide for public outdoor recreation and fish and wildlife enhancement facilities, to acquire or otherwise to include within the project area such adjacent lands or interests therein as are necessary for present or future public recreation or fish and wildlife use, to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes, and at projects hereafter authorized or reauthorized, to allocate water and reservoir capacity to recreation and fish and wildlife enhancement: *Provided*, That no appropriation shall be made for the construction of recreation or fish and wildlife facilities or the acquisition of land for such purposes at existing projects, which construction or acquisition has not heretofore been authorized by law, prior to the expiration of sixty calendar days (which sixty days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days) from the date on which the Secretary submits to the Congress a report thereon and then only if, within said sixty days, neither the House nor the Senate Committee on Interior and Insular Affairs disapproves such plan. Lands, facilities, and project modifications may be provided in accordance with subsection 3(b), hereof, at projects heretofore authorized.

(b) The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease agreement or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation and fish and wildlife enhancement purposes.

(c) No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation or fish and wildlife purposes under the authority of this section without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture the lands involved shall become national forest lands: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation or fish and wildlife development in connection with water resource projects or to disposition of public lands for such purposes.

SEC. 8. Nothing contained in this Act shall be taken to authorize or to sanction the construction under the Federal reclamation laws or under any rivers and harbors or flood control act of any project in which the sum of the allocations to recreation and fish and wildlife enhancement exceeds the sum of the allocations to irrigation, hydroelectric power, municipal, domestic, and industrial water supply, navigation, and flood control.

SEC. 9. As used in this Act—

(a) The term "project" shall mean a project or any appropriate unit thereof.

(b) The term "separable costs," as applied to any project purpose, means the difference between the capital cost of the entire multiple-purpose project and the capital cost of the project with the purpose omitted.

(c) The term "joint costs" means the difference between the capital cost of the entire multiple-purpose project and the sum of the separable costs for all project purposes.

(d) The term "capital cost" includes interest during construction, wherever appropriate.

SEC. 10. Section 2, subsection (a) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) is hereby amended by striking out the words "notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury:" and inserting in lieu thereof the words "notwithstanding any other provision of law:" and by striking out the words "or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law" and inserting in lieu thereof "or affect any contract heretofore entered into by the United States that provides that such revenues collected at particular Federal areas shall be credited to specific purposes".

SEC. 11. This Act may be cited as the "Federal Water Project Recreation Act".

H.R. 5269 was introduced by Chairman Aspinall, on the recommendation of the administration, as a substitute for another bill, H.R. 52, which he had introduced earlier in the session. H.R. 52 was identical with H.R. 9032, 88th Congress, as reported to the House.

PURPOSE AND SUMMARY OF THE BILL

Enactment of H.R. 5269 will provide uniform rules for the treatment of recreation and fish and wildlife benefits and costs in connection with most Federal water resources projects. Among its principal provisions are these:

First, full consideration shall be given to recreation and to fish and wildlife enhancement as project purposes in Federal water resources projects; general cost-sharing and reimbursement policy for these purposes is established.

Second, planning with respect to the recreational potential of any project is to be coordinated with existing and planned Federal, State, and local public recreation developments.

Third, non-Federal administration of the recreation and fish and wildlife enhancement features of most Federal water projects is to be encouraged by Federal agencies, and both non-Federal and Federal responsibilities with respect to the provision of outdoor recreation opportunities and fish and wildlife enhancement are to be recognized. H.R. 5269 is, in this way, complementary to the Land and Water Conservation Act of 1965.

In accordance with the foregoing, except in the case of those few areas which have sufficient national significance to warrant Federal administration for recreation and fish and wildlife enhancement purposes, the full potential of any Federal project for serving these purposes will be developed only upon an agreement by a non-Federal body that it will administer the area for either or both of these purposes and that it will advance or repay not less than half the separable costs of the project allocated to these purposes.

In addition, H.R. 5269 grants to the Secretary of the Interior general authority to develop the recreational potential of projects under his control, including authority to construct recreational facilities at existing projects, where such authority does not now exist.

A number of other provisions are contained in the bill. These are outlined later in this report.

BACKGROUND

For many years, Federal water projects have been providing outdoor recreation to the increasing millions who visit them. All indications are that this trend will continue in the years ahead. A difficult policy question which the committee has regularly faced in its consideration of water projects has been that of determining to what extent and under what conditions the Federal Government should include recreation development as a part of such projects. During the last several Congresses, this question has been dealt with in various ways in connection with individual project authorizations to the Bureau of Reclamation and the Corps of Engineers. This has resulted in inconsistencies and inequities among projects and differences in agency procedure.

The fact that there has been no consistent congressional policy on recreation has been a matter of concern to the Committee on Interior and Insular Affairs. In order to study and consider the general policy problem, the committee scheduled hearings on it in March and April of 1963. After 4 days of hearings and considerable study, it reached the conclusion that, because several departments and agencies were involved, legislation to resolve this matter should be developed and recommended by the administration. On May 22, 1963, it adopted a resolution which, in effect, asked the administration not to submit additional water projects to the Congress involving non-reimbursable allocations to recreation and fish and wildlife until it had submitted its recommendations for legislation to establish general policies and procedures relating to cost allocation, reimbursement, and cost sharing.

A response in the shape of a legislative proposal was received by the Congress on November 2, 1963. This was introduced as H.R. 9032. At the same time certain of the provisions of H.R. 9032 were put into effect as administration policy. After 4 days of public hearings and several additional days of consideration in executive session, H.R. 9032 was favorably reported by the committee on March 3, 1964. However, H.R. 9032 was not considered by the House and died with adjournment of the 88th Congress.

Early in the 89th Congress, H.R. 52 was introduced by Chairman Aspinall. This bill was identical to H.R. 9032 as reported. The reports of executive agencies on H.R. 52 recommended a new approach with respect to cost sharing and reimbursement for recreation and fish and wildlife enhancement. This new approach, which is embodied in H.R. 5269, was developed by the administration with all appropriate agencies participating. It stems from operating experience under the provisions of the H.R. 9032 as recommended to the Congress and problems resulting therefrom and takes account of the enactment of the Land and Water Conservation Fund Act in the meantime.

NEED

The Nation's needs for outdoor recreation opportunities have mushroomed in recent years as our population and available leisure have burgeoned. Growing recreation use of Federal reservoirs is only one indication of these increasing recreation demands. This intensive recreation use demonstrates that many recreation needs—particularly those for fishing, hunting, and water-oriented recreation—

can be met satisfactorily and economically through appropriate development and management of Federal water resource developments. Such development, however, raises further questions: What standards shall be followed in allocating project costs to recreation and to fish and wildlife enhancement? How much of these costs shall be treated as nonreimbursable? What allotments, for cost sharing are feasible and fair in these circumstances? How can the practices of the various Federal water resource agencies be reconciled with each other and placed on a uniform footing? How much of it should be left to local undertaking and how much is proper for Federal undertaking?

These vexing questions have troubled both the Congress and the resource agencies of the executive branch ever since it became apparent that recreation should be recognized as a proper and important purpose of Federal water resource projects wherever possible. They have prompted the quest of the past several years for a viable uniform policy to insure that proper recreation development of Federal water resource projects is achieved on terms that are equitable to all interests that share in the costs and benefits of Federal multiple-purpose projects. It is the hope of the committee that H.R. 5269 will supply reasonable answers to these and other questions and will thereby permit progress to be made on an understandable and coherent basis.

DISCUSSION

Section 1 of H.R. 5269 states it as congressional policy that full consideration shall be given to outdoor recreation and fish and wildlife enhancement at Federal water resources projects and that planning of Federal projects shall be directed toward the realization of their recreation and fish and wildlife enhancement potentials within a coordinated plan that considers all recreation development.

The statement of policy recognizes that on some projects Federal management for recreation and fish and wildlife enhancement purposes will be appropriate and, equally important, that the States and other non-Federal public bodies have a proper role to play in managing Federal project land and water areas for those purposes. In the future, project planning will be conducted in accordance with these policies, with provision for Federal administration or encouragement of non-Federal administration in accordance with the precepts of this bill. Planning agencies such as the Bureau of Outdoor Recreation, National Park Service, and the Bureau of Sport Fisheries and Wildlife, as well as the construction agencies, will be involved in this work. Likewise, the role of encouraging non-Federal bodies to administer project land and water areas for recreation and fish and wildlife enhancement is not expected to be limited to project construction agencies. In all cases, it is understood there will be mutual agreements between the construction agency and the recreation planning agency ahead of time so that efforts along these lines are fully coordinated. In the determinations as to what areas are appropriate for Federal administration the definitions approved by the National Recreation Council should be followed.

Specific legislative provisions to implement the statement of policy are contained in sections 2 through 6. Except for projects where Federal administration of recreation and fish and wildlife enhancement facilities is determined to be warranted, full development of the

recreation and fish and wildlife potential can be authorized after December 31, 1965, only if one or more non-Federal public bodies have made known their intention to participate in the recreation development. Before project construction begins an executed agreement to participate will be required. (This act is applicable to all projects authorized after the date of this act, including those that may be authorized during 1965.) If such an agreement is executed, the Federal Government will bear up to one-half the separable project costs allocated to recreation and fish and wildlife enhancement, the non-Federal public body will pay or reimburse the Federal Government for the remaining separable costs, and the Federal Government will bear all joint costs of the project allocated to recreation and fish and wildlife enhancement. The amount required from the participating public body can be paid in cash or in lands or facilities or it can be repaid with interest under a long-term contract not exceeding 50 years. Under this latter arrangement, the State or public body will be permitted to establish entrance and user fees as a source of revenue to meet its obligation if it wishes to do so.

Projects appropriate for local administration in which, however, non-Federal public bodies are unwilling to participate in the manner just described could still go forward but the Government would provide only minimum facilities for public health and safety instead of full-scale recreation developments. Such facilities as roads and parking areas, picnicking, swimming, or camping areas or facilities, would not be provided. In these circumstances, use of the areas for recreation and fish and wildlife would be considerably reduced and the portion of the project cost which would be allocated to these purposes would be reduced accordingly.

H.R. 5269 makes provision for preserving a project's full potential for recreation and fish and wildlife enhancement for a 10-year period even in the absence of an agreement on cost sharing or of other indication of interest in local administration prior to commencing project construction. The bill authorizes the acquisition of the lands needed for those purposes at the time of project construction. If, during this 10-year period, a non-Federal public body agrees to administer the project for recreation or fish and wildlife purposes and share in the cost, the facilities may be constructed and, along with the lands, may be leased to such body for administration. If, however, there is no such agreement by the end of the 10-year period, the lands may be used for some other authorized purpose, transferred to another Federal agency, leased to a public body, or disposed of as surplus property. The use of the lands must not be in conflict with project purposes, and preference is to be given to purposes which promote the recreation and fish and wildlife potential of the project. The terms of leases entered into under this provision should be no more attractive to local bodies than those offered under other provisions of this act. In other words, no encouragement should be offered to a public body to wait out the 10-year period in order to escape cost sharing.

Incremental or subsequent development for recreation and fish and wildlife enhancement purposes at existing Federal water projects by non-Federal public bodies will remain possible, and financial assistance for such development can be provided in appropriate cases under the Land and Water Conservation Fund Act.

Where existing areas or facilities remain under Federal administration, or where additional facilities are provided by the Federal Government in existing areas, the entrance and user fee provisions of the Land and Water Conservation Fund Act will apply.

In effect, H.R. 5269 is applicable only to water resources development projects of the Department of the Interior and the Department of the Army. The Tennessee Valley Authority is excluded from the provisions of the bill because the TVA, a unified resource development agency with broad authority and responsibility in a limited geographical area, already has adequate authority for recreation and for fish and wildlife enhancement and has heretofore followed a policy of not providing recreation facilities at Federal cost but of transferring lands adjacent to reservoirs to non-Federal bodies for recreational development and management. H.R. 5269 is likewise not applicable to projects constructed under the Watershed Protection and Flood Prevention Act and the Small Reclamation Projects Act. These projects are recognized to be local in character rather than Federal. The local people decide the purposes which they should serve, and the local people construct and administer them.

The recreation and fish and wildlife aspects of a project are required by the bill to be fully coordinated with other existing and planned recreation developments. The coordination of recreation plans is accomplished by requiring that each water resources project report include the views of the Secretary of the Interior developed in accordance with section 3 of the act of May 28, 1963, the organic act for the Bureau of Outdoor Recreation. Basic consideration must be given by the Secretary and others to distinguishing between Federal responsibility and non-Federal responsibility and to which areas should be designated as national recreation areas and which would be treated otherwise.

H.R. 5269 includes language which amends the Fish and Wildlife Coordination Act in certain respects. Language is added to make it clear that facilities recommended in project reports for fish and wildlife enhancement may be provided in accordance with the terms of H.R. 5269. In addition, a provision now in the Fish and Wildlife Coordination Act which makes the cost of mitigating project-occasioned damage to fish and wildlife nonreimbursable in the case of Federal reclamation projects is repealed. The repeal of this provision also terminates the discretionary authority of the Secretary of the Interior to require reimbursement for costs allocated to fish and wildlife enhancement. This is necessary in order that the reimbursement policy established by H.R. 5269 may take effect.

The bill authorizes the expenditure of not more than \$28 million from water resource project funds for land acquisition for the conservation or protection of migratory waterfowl. These expenditures would be in addition to those made from the migratory bird conservation fund. The construction of water projects sometimes creates opportunities for migratory waterfowl refuges which would not otherwise exist. The cost of such refuges can, under this bill, be funded as are other project features and facilities. Acquisition of land for refuge purposes in this manner should save the Federal Government substantial amounts of money because of the dual use of the land for refuges and for flood easements. This authorization to use a limited amount of project construction funds for migratory waterfowl will

also obviate the very difficult problem that arises when two different agencies—the project construction agency and the Bureau of Sport Fisheries and Wildlife acting for the Migratory Bird Conservation Commission—attempt to purchase similar lands in the same areas, each using its own appraisers, each utilizing its own authority, and each having its own appropriated funds.

The Secretary of the Army presently has general authority to provide recreation development for water resources projects under his control. Section 7 of H.R. 5269 will give the Secretary of the Interior similar authority for his projects, whether hereofore or hereafter constructed. He now has only piecemeal authority for certain individual projects. The bill makes clear, however, that the new authority, insofar as it applies to existing and previously authorized projects, cannot be the basis for allocation of water reservoir capacity or joint project costs. An amendment to the bill provides that, where recreation development is proposed that has not heretofore been authorized, the Secretary must submit the recreation plan to the Congress and that funds to carry out the recreation plan shall not be appropriated until the end of a 60-day period and then only if neither the House nor the Senate Committee on Interior and Insular Affairs disapproves the plan. This language is similar to language in the Small Reclamation Projects Act and gives the committee an opportunity to review the recreation plans prior to development.

The Secretary is authorized, under section 7 of the bill, to enter into agreements with Federal, State, or local public bodies for the administration of the recreation and fish and wildlife development. Title to the lands, however, would remain in the Federal Government. Section 7 also provides for the transfer of lands between agencies in order to make the best and most efficient use of them for recreation purposes.

Cost

H.R. 5269 is, for the most part, a general policy bill, and the authorization of appropriations to implement this policy will come principally with project authorizations through the regular legislative process.

The authorization of appropriations for new projects will be included in the legislation authorizing the projects. This includes authority to appropriate funds for acquisition of wildlife refuge lands as provided in section 6(c). The \$28 million limitation on expenditures for wildlife refuge lands contained therein is not itself an authorization to appropriate that amount.

Section 7 provides authority for the addition of recreation and fish and wildlife enhancement facilities and the acquisition of land therefor at existing Bureau of Reclamation reservoirs. However, as has already been pointed out, funds cannot be appropriated for such land and facilities until 60 days after the Secretary submits to the Congress a report on such proposed development and then only if within the 60-day period neither the House nor the Senate Committee on Interior and Insular Affairs disapproves the plan of development.

COMMITTEE AMENDMENT

The committee amendment is in the nature of a substitute for H.R. 5269, as introduced. It includes the original text with a number of specific amendments adopted in committee. Most of these amendments were clarifying in nature. However, the following are of substantial importance:

(1) Provisions for the transfer of title to recreation and fish and wildlife lands and facilities to local non-Federal public bodies were eliminated in several places. The committee felt that title should remain in the Federal Government unless justified by special circumstances in connection with specific projects and that, in these instances, transfer of title could be made by a specific act of Congress. The committee understands that the existing authority of the Secretary of the Army with respect to recreation and fish and wildlife development at projects under his control does not include authority to transfer title to lands and facilities. It should be pointed out that in some instances there may be long-term repayment contracts covering the cost of such lands and facilities. In these instances, particularly, it does not seem appropriate that title should pass to non-Federal bodies.

(2) The one provision left in H.R. 5269 which authorizes disposal of lands purchased for recreational purposes is in paragraph (2) of section 3(b). This paragraph relates to the situation where there is no local interest at the time the project is constructed and lands are acquired to preserve the recreation or fish and wildlife potential for a period of 10 years. New language adopted by the committee authorizes the construction agency, in those cases where there is no executed agreement within the 10-year period, (1) to utilize the lands for any lawful purpose within its jurisdiction, (2) to transfer the lands to another Federal agency for any lawful purpose of that agency, (3) to lease the lands to a non-Federal public body, and (4) to transfer the lands to the General Services Administration for disposition. In connection with the authority for disposition given in this paragraph there was considerable sentiment in the committee for giving prior owners a first right to reacquire the land they were required to give up originally, especially in those instances where the lands were taken by condemnation proceedings. The committee considered this matter at some length and concluded that, since it involves many difficult problems and considerations applicable to all purposes and to all water projects as well as other public works projects, it would be inadvisable to try to treat it in the limited context presented by H.R. 5269.

(3) Language was adopted which requires a report to the Congress in connection with the construction of recreation and fish and wildlife facilities or the acquisition of lands for such purposes at existing reclamation projects. The contents of this amendment have been outlined above.

(4) A new section was added which, in effect, provides that projects shall not be recommended for construction under the reclamation laws or the laws governing rivers and harbors or flood control projects if the sum of the allocations to recreation and fish and wildlife enhancement exceeds the sum of the allocations to the other recognized purposes which these laws and acts were originally intended to cover.

This amendment was adopted in lieu of a proposal that the bill be amended to limit the amounts of joint costs of projects which can be declared nonreimbursable on account of fish and wildlife and recreation.

(5) A further amendment amends the Land and Water Conservation Fund Act of 1965. It makes it clear that any fees or charges for the use of recreation and fish and wildlife areas at water projects shall be credited to the land and water conservation fund and not go into special funds such as the reclamation fund.

SECTION-BY-SECTION ANALYSIS

SECTION 1

Section 1 of the amended bill states congressional policy that (a) full consideration shall be given to recreation and fish and wildlife enhancement as purposes of Federal water resources projects; (b) planning with respect to recreation aspects of a project shall be coordinated with existing and planned recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to assume responsibility for management of project areas and facilities, except at those projects or project areas which are appropriate for Federal administration because of other Federal programs.

Areas which may be appropriate for Federal administration include national recreation areas, and areas which are part of the national forest system, part of the public lands classified for retention in Federal ownership, or part of lands administered under an authorized Federal program for the conservation and development of fish and wildlife. The following seven types of areas are included in this last category: wildlife refuges; wildlife ranges; game ranges; waterfowl production areas; wildlife management areas; national fish hatcheries; and areas for the protection and conservation of fish and wildlife that are rare or threatened with extinction.

As used throughout this bill, the committee understands the term "non-Federal public bodies" to include such public entities as States, counties, municipalities, recreation districts, or other special purpose districts with sufficient authority to participate under the provisions of this bill. The term also includes a combination of two or more of the foregoing entities.

SECTION 2

Subsection 2(a) provides that if non-Federal public bodies express an intent before project authorization, and execute an agreement before initiation of project construction, to administer project land and water areas for recreation of fish and wildlife enhancement or both, and to pay or repay at least one-half the costs of providing lands, facilities, and project modifications and all costs of operation, maintenance, and replacement of such lands, facilities, and project modifications for these purposes, then the Federal Government will bear the joint costs allocated to those purposes and up to one-half of the costs of lands, facilities, and project modifications for those purposes. (Project modifications include, for example, the raising of the height of a dam so as to provide increased storage capacity, or the construction of a subimpoundment in an arm of a reservoir, specifically for recreation of fish and wildlife enhancement.

It is anticipated that under the provisions of the bill the Federal construction agency will work with non-Federal public interests to develop both a short-range and a long-range plan of development for recreation and fish and wildlife enhancement which should be provided at the project. For example, where there is little demand for recreation facilities, such facilities should be provided only to the extent local participation permits.

A statement of intent to participate by non-Federal public bodies is generally required by the bill if provision is to be made specifically for recreation and fish and wildlife enhancement at a project. However, it is not believed desirable to delay authorization of projects on which planning has been completed by further referral of the project report to non-Federal public bodies. Therefore, the bill waives this requirement for projects authorized during calendar year 1965. For all projects, however, an executed agreement to participate will be required prior to initiation of project construction. If, after indicating intent to participate, non-Federal interests do not execute such an agreement, the project will be treated as though there had been no original statement of intent and will be constructed under provisions similar to those contained in section 3.

Under the provisions of subsection 2(b), non-Federal public bodies may pay or repay their share of costs of development (excluding those operation, maintenance, and replacement costs which they must bear directly) under either or both of the following methods, as determined appropriate by the head of the agency having jurisdiction over the project: (1) payment, or provision of lands or facilities required by the project, or (2) repayment, within 50 years, with interest at a rate comparable to that for other interest-bearing functions of water resource projects. The source of repayment under (2) may be limited to a portion of the entrance and user fees collected at the project by non-Federal interest. The fee schedule and the percentage of the fees dedicated to repayment of the non-Federal share must be established, and periodically reviewed, to achieve repayment in the period specified.

The latter provision allows non-Federal interests, if they so desire, to discharge their obligation to repay by charging fees to the recreation user and applying a portion of the fee toward repayment while applying the remaining portion toward their operation and maintenance costs.

SECTION 3

Subsection 3(a) recognizes that in some areas non-Federal interests may not want to participate in a project because they have sufficient recreation and fish and wildlife developments or because of other reasons. In such cases, water resources projects would not be held back because of the lack of non-Federal participation. In those instances, no facilities or project modifications would be provided especially for recreation and fish and wildlife enhancement. The likelihood that a project, even without recreation facilities, may be utilized for recreation is recognized. However, it is believed that the recreation and fish and wildlife benefits would be minimal under these circumstances. Any costs allocated to recreation and fish and wildlife enhancement under these conditions would be nonreimbursable.

Since some recreational use of a project is anticipated even without recreation facilities, the bill provides for facilities for public health and safety. These facilities would include guard rails, turn-arounds

at the ends of roads, and minimum sanitary facilities. Parking, picnicking, swimming, or camping areas or facilities, or more elaborate sanitary facilities would not be provided under this subsection.

Most water resources projects provide some potential for recreation or fish and wildlife enhancement. For this reason, subsection 3(b) provides for the acquisition or provision of lands in connection with any project to preserve this recreation or fish and wildlife enhancement potential even where there is no indication of intent of non-Federal cost sharing as specified in subsection 2(a). If, within 10 years after initial operation of the project, non-Federal interests desire to develop the recreation or fish and wildlife potential and agree to bear one-half the cost of the land, facilities, and any project modification for these purposes, and all costs of operation, maintenance, and replacement, then the development of the recreation and fish and wildlife enhancement potential could be undertaken pursuant to a plan of development. The Federal Government would bear up to one-half the costs of the land, facilities, and project modifications for those purposes but there would be no reallocation of joint costs. If such an agreement is not obtained, the construction agency would be authorized to utilize the lands for any lawful purpose within its jurisdiction, or to transfer custody of the lands to another Federal agency for use for any lawful purpose within the jurisdiction of that agency, or to lease the lands to the Administrator of General Services for disposition in accordance with the surplus property laws of the United States. The lands may not in any case be used or made available for use for any purpose in conflict with the purposes for which the project was constructed, and in every case preference is to be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential.

SECTION 4

To encourage non-Federal administration of the recreation and fish and wildlife enhancement features at existing Federal water resources projects—that is, those that have been completed or are under construction—the bill authorizes Federal water resource agencies to lease recreation and fish and wildlife enhancement facilities and appropriate project lands to non-Federal public bodies which agree to administer the facilities and to bear the costs of operation, maintenance and replacement of such lands and facilities.

SECTION 5

Section 5 makes it clear that incremental or subsequent development of recreation and fish and wildlife enhancement at any project shall not be discouraged. Other programs, including that under the Land and Water Conservation Fund Act of 1965, can be used to develop recreation at projects that are not developed in accordance with other provisions of the bill. Development under such conditions will not, however, provide a basis for allocation or reallocation of any project costs to recreation and fish and wildlife enhancement.

SECTION 6

Subsection 6(a) provides that the views of the Secretary of the Interior, developed in accordance with the organic act of the Bureau of Outdoor Recreation, shall be included in each water project report hereafter submitted to Congress. The Secretary's report will, wherever possible, indicate the extent to which the proposed project is in accord with State comprehensive recreation plans developed pursuant to the Land and Water Conservation Act of 1965.

Subsection 6(b) amends the first proviso of subsection 2(d) of the Fish and Wildlife Coordination Act (72 Stat. 563; 16 U.S.C. 622(d)) to make it clear that facilities recommended in project reports for fish and wildlife enhancement may be provided in accordance with the terms of this legislation and it repeals the second proviso of that subsection of the Fish and Wildlife Coordination Act, which applies to projects constructed under reclamation law. The effect of the repeal of the second proviso is twofold: first, it will result in the costs of mitigation of project-occasioned damage to fish and wildlife being distributed among all project purposes the same as other project costs; and, second, it will terminate the reimbursement policy for costs allocated to fish and wildlife enhancement now set out in the Fish and Wildlife Coordination Act so that the reimbursement policy established by this bill may take effect.

Subsection 6(c) places a limitation of \$28 million on water resource project funds that may be expended for land acquisition to accomplish the Federal Government's obligations to conserve and protect migratory waterfowl. These expenditures are in addition to those made from the migratory bird conservation fund for migratory waterfowl refuges. The \$28 million limitation applies only to expenditures for acquisition of lands or interests in lands which would otherwise not be acquired, when they are acquired at a water resource project for incorporation into a migratory waterfowl refuge. The limitation specifically does not apply to expenditures for the mitigation of damages to migratory waterfowl, since that is properly a project cost to be allocated to project purposes in the same manner as any other project cost.

Subsection 6(d) provides that the bill shall not apply to the Tennessee Valley Authority or to projects constructed under the authority of the Small Reclamation Projects Act or the Watershed Protection and Flood Prevention Act.

Subsection 6(e) provides that such projects as local nonreservoir flood control, beach erosion control, small boat harbor, and hurricane protection projects shall be excluded from the cost-sharing and reimbursement provisions of the bill because existing policies cover these projects.

Subsection 6(f) states that the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

Subsection 6(g) provides that the provision of the Land and Water Conservation Fund Act of 1965 which calls for the use of the fund to help offset the capital costs of recreation at Federal projects shall not be applied to projects at which non-Federal interests execute an agreement to share development costs and to bear the costs of operation and maintenance. The reason for this provision is that Federal recreation fees will not be charged at these projects. The offset

provision would apply, however, to the capital costs of projects where non-Federal interests do not assume responsibility for the administration of project areas for recreation.

Subsection 6(h) provides that all moneys received (payments, repayments, or revenue from conveyance of land) under the terms of this bill shall be deposited in the miscellaneous receipts of the Treasury.

SECTION 7

The purpose of section 7 is to provide the Secretary of the Interior with authority similar to that already available to the Secretary of the Army. Since 1944 the Department of the Army has had basic statutory authority to provide recreation development at reservoir projects under its control; in 1962 this authority was expanded to embrace water resource development projects generally (sec. 4 of the act of Dec. 22, 1944, as amended; 16 U.S.C. 460(d)). On the other hand, only piecemeal authority exists for certain individual projects under the control of the Department of the Interior. A notable example of this project-by-project approach is section 8 of the Colorado River Storage Project Act of 1956 (70 Stat. 105; 43 U.S.C. 620(g)). Enactment of the proposed legislation will fill in the statutory gaps and permit the realization of potential returns on resources created by public investment in the development of water resource projects of the Department of the Interior.

Subsection 7(a) provides that the Secretary of the Interior may plan, construct, operate, and maintain, or otherwise provide for public outdoor recreation facilities, and acquire land for such purpose, at any existing or hereafter authorized or reauthorized project. In addition, at projects hereafter authorized or reauthorized, he may also allocate water and reservoir capacity to recreation. Lands, facilities, and project modifications may be provided at existing projects only if non-Federal public bodies agree to administer the project lands and water areas for recreation and to bear costs in accordance with section 2 and appropriations for this purpose may be made only after reports recommending such development have been before the House and Senate Interior and Insular Affairs Committees for 60 legislative days without disapproval by either committee.

Subsection 7(b) authorizes the Secretary of the Interior to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease agreement or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation and fish and wildlife enhancement purposes.

Subsection 7(c) provides that lands required for recreation purposes at any project which are within the jurisdiction of any Federal agency may be transferred to the Secretary of the Interior. The latter is also authorized to transfer to the Secretary of Agriculture project lands and facilities for recreation purposes when such lands are adjacent to or within national forests, and such transfer shall be made, unless the Secretaries jointly agree otherwise, when the project is wholly within the exterior boundaries of a national forest. Lands so transferred will become national forest lands but, to the extent

required for operation of the project for purposes other than recreation, the lands will be administered by the Secretary of the Interior. ✓

SECTION 8

Section 8 provides, in effect, that projects in which the sum of the allocations to recreation and fish and wildlife enhancement exceeds the sum of the allocations to irrigation, hydroelectric power, municipal, domestic, and industrial water supply, navigation, and flood control shall not be recommended for authorization and construction under the Federal reclamation laws or under any river and harbor or flood control act. It seemed to the committee that such projects should be recommended as a recreation project or a project for fish and wildlife enhancement depending on which of these two purposes is predominant.

SECTION 9

Section 9 defines certain terms used in the bill.

SECTION 10

Section 10 relates to the Land and Water Conservation Fund Act of 1965. It amends that act to make it clear any fees or charges for the use of recreation and fish and wildlife areas at water projects shall be credited to the land and water conservation fund and not go into special funds such as the reclamation fund.

SECTION 11

Section 11 provides that the bill may be cited as the "Federal Water Project Recreation Act."

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends enactment of H.R. 5269 as amended.

EXECUTIVE COMMUNICATIONS

The reports and views of various Federal agencies on H.R. 5269 are included hereinafter. The draft of legislation submitted by the Bureau of the Budget and discussed in its letter of February 19 was introduced as H.R. 5269.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., February 19, 1965.

HON. WAYNE N. ASPINALL,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your letter of January 6, 1965, requesting the views of the Bureau of the Budget on H.R. 52, a bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water

resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

This bill is identical to H.R. 9032, as reported by your committee in the last Congress. It recognizes that the demands of the American people for all types of recreation, especially water oriented outdoor recreation, have increased sharply and should be fully considered in the planning and construction of Federal multiple-purpose water resources projects. There is need for uniform policies, including cost-sharing and reimbursement policies, in the treatment of recreation and fish and wildlife as part of these projects. H.R. 52 would also provide the Secretary of the Interior with general authority, comparable to that now available to the Department of the Army, for recreation development of projects under his control.

The policies and provisions embodied in H.R. 9032 have been applied to water resources projects in the planning stage from the time it was introduced. The experience in applying these policies in the past year brought to light several difficulties with respect to the cost-sharing provisions. Therefore, we, together with the interested Federal agencies, have carefully reconsidered the problem. The results of this restudy are reflected in the enclosed substitute draft bill which is transmitted for your consideration.

One of the objectives of the draft bill, as well as of H.R. 52, is to encourage non-Federal development and administration of recreation and fish and wildlife enhancement features of water resources projects except where such are appropriate for Federal administration. The bill recognizes that there are non-Federal as well as Federal responsibilities with respect to the provision of outdoor recreation opportunities and fish and wildlife enhancement. We believe the cost-sharing provisions of the draft bill to be equitable. It is anticipated that the Federal construction agencies will work with the States and local governments in the determination of the scale and development of recreation and fish and wildlife enhancement. Thus, these developments can be provided to the extent of non-Federal sharing of the costs of such lands and facilities. Also, the draft bill encourages and provides for transfer of facilities at existing projects to non-Federal interests.

The provisions of the draft bill are not described here but are covered in the enclosed section-by-section analysis of the bill.

Enactment of the draft bill would establish general cost-sharing and reimbursement policy for recreation and fish and wildlife enhancement. The formulation of a general policy to fit every circumstance is made difficult by the great variety among water resources projects—in size, purposes served, and problems encountered. Therefore, the water resources agencies may in some instances recommend departures from the general policy.

The Bureau of the Budget, with the concurrence of the Department of the Interior and the Department of the Army, recommends the enclosed draft bill be substituted for H.R. 52 and that it be enacted. Its enactment would be consistent with the administration's objectives.

Sincerely,

ELMER B. STAATS, *Deputy Director.*

A BILL To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress and the intent of this Act that (a) full consideration shall be given to outdoor recreation opportunities and fish and wildlife enhancement where these can be provided or enhanced in the investigation, planning, construction, operation, and maintenance of Federal navigation, flood control, reclamation, hydroelectric, and multiple-purpose water resource projects; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are authorized by law for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

SEC. 2. (a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and to bear not less than one-half the separable costs of the project allocated to recreation and fish and wildlife enhancement and all the costs of operation, maintenance and replacement of recreation and fish and wildlife enhancement lands and facilities: (1) the benefits of the project to recreation and fish and wildlife enhancement shall be taken into account in determining the economic benefits of the project; (2) costs shall be allocated to the purposes of recreation and fish and wildlife enhancement and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means; and (3) not more than one-half the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable. Projects authorized before January 1, 1966, may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of projects authorized pursuant to this section.

(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal

agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within 50 years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and if the fee schedule and the portion of fees dedicated to repayment are made subject to review and renegotiation at intervals of not more than 5 years.

SEC. 3. (a) In the absence of an indication of intent as specified in subsection 2(a), facilities or project modifications shall not be provided expressly for recreation and fish and wildlife enhancement; minimum facilities for the public health and safety may be provided at access points provided by roads existing at the time of project construction and roads constructed for the administration and management of the project. For projects authorized pursuant to section 3 hereof, the recreation and fish and wildlife enhancement benefits shall be limited to the number of visitor days and the value per visitor day which would take place on the basis of the provision of minimum facilities for public health and safety, and excluding any additional land which may be acquired expressly to provide for subsequent recreation or fish and wildlife enhancement development as provided under subsection 3(b); for projects authorized pursuant to this subsection, all costs allocated to recreation and fish and wildlife enhancement shall be nonreimbursable.

(b) In the absence of an indication of intent as specified in subsection 2(a), lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project.

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project, which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and will bear not less than one-half the costs of lands, facilities and project modifications provided for those purposes and all costs of operation, maintenance and replacement of recreation and fish and wildlife enhancement facilities, not more than one-half the costs of lands, facilities, and project modifications provided pursuant to paragraph (1) of this subsection may be borne by the United States and such costs shall be nonreimbursable. Such agreement and subsequent development shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of subsection 3(b), the head of the agency having jurisdiction over the project may convey the possession and control of any lands provided pursuant to subsection 3(b) by deed, lease, or otherwise, to any Federal agency, or to any person or non-Federal body, for the purpose of recreation, fish and wildlife enhancement, or use as

a summer residence, or for the operation on such lands of pleasure resorts for boating, fishing, or any similar purpose, or for any other purpose which would not conflict with the purposes for which the project was constructed: *Provided*, That no transfer authorized herein, except transfer by conveyance at full market value under the then existing conditions, shall be made without approval of the President of the United States.

SEC. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the costs of operation, maintenance and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be transferred to the non-Federal public bodies at no cost.

SEC. 5. Nothing herein shall be construed as preventing or discouraging post-authorization development of any project for recreation and fish and wildlife enhancement by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

SEC. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report on any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Act of 1965 (78 Stat. 897).

(b) Nothing in this Act shall be construed as amending the first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563: 16 U.S.C. 662(d)), and the second proviso of subsection 2(d) of that Act is hereby repealed.

(c) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed \$28,000,000: *Provided*, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

(d) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended.

(e) Sections 2, 3, 4, and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an author-

ized Federal program for the conservation and development of fish and wildlife.

(f) As used in this Act, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(g) Subsection 6(a)(2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b)(1) of this Act.

(h) All payments and repayment by non-Federal public bodies under the provisions of this Act, and revenue from the conveyance by deed, lease or otherwise, of lands under subsection 3(b)(2) of this Act, shall be deposited in the Treasury as miscellaneous receipts.

SEC. 7. (a) The Secretary of the Interior is authorized as a part of any water resource development project under his control heretofore or hereafter authorized or reauthorized, except projects or areas within national wildlife refuges, to investigate, plan, construct, operate and maintain or otherwise provide for public outdoor recreation facilities, to acquire or otherwise to include within the project area such adjacent lands or interests therein as are necessary for present or future public recreation use, to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes, and at projects hereafter authorized or reauthorized, to allocate water and reservoir capacity to recreation. Lands, facilities and project modifications may be provided in accordance with subsection 3(b), hereof, at projects heretofore authorized.

(b) The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease, conveyance, or exchange, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes.

(c) No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation purposes under the authority of this section without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or uses for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such opera-

tion. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation development of water resource projects or to disposition of public lands for recreational purposes.

SEC. 8. As used in this Act—

(a) The term "project" shall mean a project or any appropriate unit thereof.

(b) The term "cost" shall mean the value of goods and services (land, labor, and supplies) used for the establishment, maintenance, and operation of the project.

(c) The term "separable costs" shall mean the cost for each project purpose which is the difference between the cost of the multiple-purpose project and the cost of the project with the purpose omitted.

(d) The term "joint costs" shall mean the difference between the cost of the multiple-purpose project as a whole and the total of the separable costs for all project purposes.

SEC. 9. This Act may be cited as the "Federal Water Project Recreation Act".

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 4, 1965.

HON. WAYNE N. ASPINALL,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. ASPINALL: This responds to your request for the views of the Department of the Interior on H.R. 52, a bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

On February 19, 1965, the administration transmitted a proposed bill on the subject with the recommendation that it be substituted for H.R. 52. We strongly recommend enactment of the substitute bill, H.R. 5269.

The Nation's needs for outdoor recreation opportunities have mushroomed in recent years as our population and available leisure have burgeoned. Growing recreation use of Federal reservoirs is only one indication of these increasing recreation demands. This intensive recreation use demonstrates that many recreation needs—particularly those for fishing, hunting, and water-oriented recreation—can be met satisfactorily and economically through appropriate development and management of Federal water resource developments. Recognition of this fact has prompted the quest of the past 2 years for a viable uniform policy to insure that proper recreation development of Federal water resource projects is achieved on terms that are equitable to all interests that share in the costs and benefits of Federal multiple-purpose projects. In our judgment H.R. 5269 would establish such a policy, and we strongly endorse the bill. It would close vexing questions which have troubled both the Congress and the resource agencies of the executive branch ever since it became apparent that recreation should have co-equal status as a purpose of Federal water resource projects.

H.R. 5269 is a complementary measure to the Land and Water Conservation Act of 1965, the landmark recreation achievement of the 88th Congress. It would establish policy for a joint Federal-non-Federal effort to provide for recreation at water resource projects under ground rules that parallel those governing the joint Federal-State recreation effort under the Land and Water Conservation Fund Act. In addition to setting uniform policy for the treatment of recreation and fish and wildlife costs and benefits, H.R. 5269 would provide the Secretary of the Interior with long overdue authority to develop water resource projects under his jurisdiction for recreation.

The following interpretations and comments on H.R. 5269 are offered on behalf of the Department of the Interior.

Section 1 of the bill states the policy of the Congress respecting planning and providing for outdoor recreation and fish and wildlife enhancement at Federal water resources projects. This policy is that full consideration shall be given to those purposes and that planning of Federal projects shall be directed toward the realization of the recreation and fish and wildlife enhancement potential of the project within a coordinated plan that considers all recreation development.

Section 1(c) recognizes that on some projects Federal management for recreation and fish and wildlife enhancement purposes will be appropriate, and, equally important, recognizes the proper role of States and other non-Federal public bodies in managing Federal project land and water areas for those purposes. Project planning in the Department of the Interior will be conducted in accordance with these policies, with provision for Federal administration or encouragement of non-Federal administration in accordance with the precepts of the bill. Three points should be made regarding section 1(c). The first is that planning agencies such as the Bureau of Outdoor Recreation and the Bureau of Sport Fisheries and Wildlife, as well as construction agencies, will be involved in coordinating and planning recreation and fish and wildlife enhancement developments. Likewise, the role of encouraging non-Federal bodies to administer project land and water areas for recreation and fish and wildlife enhancement is not expected to be limited to project construction agencies. Second, we believe that section 1(c) should not be read to require exclusive Federal management of national recreation areas. The Recreation Advisory Council has envisioned joint Federal-non-Federal operation and management of national recreation areas under some circumstances. Some national recreation areas may be proposed for authorization on that basis; cost-sharing arrangements would have to be tailored to the situation. Third, we interpret the words "public lands classified for retention in Federal ownership" in line 14, page 2, as including lands so classified under the Classification and Multiple Use Act of September 19, 1964 (78 Stat. 986), or subsequently so classified after expiration of that act.

The references throughout the bill to non-Federal public bodies would be construed to include such agencies as irrigation districts, recreation districts, conservancy districts, and public utility districts, as well as State and local governments. Also, the management and cost-sharing responsibilities on a given project may be shared among several non-Federal public bodies.

A printing error in subsection 3(b) casts doubt upon the meaning of paragraphs 3(b)(1) and 3(b)(2). These paragraphs state the alternative for dealing with lands provided pursuant to subsection 3(b)

and not limitations upon the authority to provide such lands. To make this clear a period should be substituted for the dash after the word "project" in line 11, page 5, and the word "if" in line 12, page 5, and line 5, page 6, should be capitalized, and a period should be substituted for the semicolon in line 4, page 6. Another ambiguity in paragraph 3(b)(1) is found in lines 22, 23, and 24 of page 5; this paragraph would be more clear if these lines were changed to read as follows: "than one-half the costs of lands provided pursuant to this subsection, and facilities and project modifications provided pursuant to the plan of development may be borne by the United States and". We interpret the phrase "lands may be provided" in subsection 3(b) to mean that lands may be acquired, accepted as donations or, in the case of public lands, withdrawn and reserved in order to preserve the indicated recreation and fish and wildlife potential of the project. We expect to continue to follow the present joint Army-Interior reservoir land acquisition policy in providing recreation and fish and wildlife enhancement lands at projects under this Department's jurisdiction.

As the section-by-section analysis transmitted on February 19, 1965, by the administration provides, lands subject to disposition under paragraph 3(b)(2) of the bill would be offered first to Federal agencies and, if such lands are not required by a Federal agency, to non-Federal entities or private persons for purposes not in conflict with the project.

As a matter of precise draftsmanship, the words "pursuant to this section" should be substituted for the words "pursuant to section 3 hereof" in lines 22 and 23 on page 4. Also, the word "fair" should be substituted for the word "full" in line 18, page 6; "fair market value" is a well-understood term of art that should be retained in this context.

The second sentence of section 6(a) of the bill is designed to apply only to the recreational aspects of developments for fish and wildlife enhancement and to insure that those aspects be considered in relation to the State comprehensive recreation plans developed under the Land and Water Conservation Act of 1965. The views and recommendations of the Secretary of the Interior with respect to fish and wildlife conservation and development would continue to be an integral part of water resource projects reports as now required by the Fish and Wildlife Coordination Act.

To make it clear that facilities recommended in project reports for fish and wildlife enhancement may be provided in accordance with the terms of the bill, section 6(b) should be revised to read as follows:

"(b) The first proviso of subsection 2(b) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)) is amended to read as follows: 'Provided, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities.' The second proviso of subsection 2(d) of said Act is hereby repealed."

Such facilities might include small impoundments, spawning channels, and residences for wildlife area managers.

The Deputy Director of the Bureau of the Budget pointed out in his letter of February 19, 1965, that "enactment of [H.R. 5269] would

establish general cost-sharing and reimbursement policy for recreation and fish and wildlife enhancement. The formulation of a general policy to fit every circumstance is made difficult by the great variety among water resources projects—in size, purposes served, and problems encountered. Therefore, the water resources agencies may in some instances recommend departures from the general policy.” We, too, recognize that in this complex field general legislation cannot anticipate the diversities that will be encountered. For example, problems may arise in maintenance of streamflow for downstream fishing enhancement—perhaps across State boundaries. Also, the bill contemplates administration of project areas and cost sharing by non-Federal public bodies. In the absence of a governmental or quasi-governmental agency to undertake these obligations a project might be proposed for full management and costsharing by a non-profit private organization if full public access could be provided.

Finally, the bill does not purport to cover project recreation and fish and wildlife enhancement costs where Federal administration for those purposes is appropriate. In such cases, our project formulation will be on the basis that all costs allocated to those purposes would be nonreimbursable.

The Bureau of the Budget has advised that there would be no objection to the presentation of this report, and that enactment of H.R. 5269 would be consistent with the administration’s objectives.

Sincerely yours,

KENNETH HOLUM,
Assistant Secretary of the Interior.

STATEMENT OF EUGENE W. WEBER, DEPUTY DIRECTOR OF
CIVIL WORKS FOR POLICY, OFFICE, CHIEF OF ENGINEERS,
DEPARTMENT OF THE ARMY

Mr. Chairman and members of the committee, I am Eugene W. Weber, Deputy Director of Civil Works for Policy in the Office of the Chief of Engineers. I am appearing to present the views of the Department of the Army on H.R. 5269, a bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

The Department of the Army concurs in the recommendation of the Bureau of the Budget that this proposed legislation be enacted. Representatives of the Department participated in interagency discussions during 1964 which led to the formulation of this bill H.R. 5269 as a substitute for H.R. 9032 which was considered by this committee at the last session of the Congress and which was reintroduced in this session as H.R. 52.

One of the most important objectives of H.R. 5269 is to encourage the States or other non-Federal public entities to assume responsibility for development, maintenance, and operation of recreational areas at Federal reservoirs. This has long been a policy of the Department of the Army in its administration of the recreational aspects of its flood control

and multiple-purpose reservoir program. The desirability of this objective was frequently brought out last year when the Congress was considering the Land and Water Conservation Fund Act which was enacted on September 3, 1964. The Department considers that H.R. 5269 will provide a practical and effective basis for bringing about a high degree of acceptance by non-Federal interests of responsibility for management of recreational use of Federal reservoirs.

Another important feature of H.R. 5269 is that any unwillingness or inability of non-Federal agencies to commit themselves to assumption of the responsibility for recreation at a specific project will not prevent the Federal Government from proceeding with the project in order to achieve other important purposes such as flood control which may be urgently needed. In such cases, the Federal Government could go ahead with the project and acquire sufficient land to preserve the recreational potential, but develop only the minimum facilities necessary to permit the public to have access to the reservoir. The opportunity for non-Federal interests to develop the full recreational potential would be held open for 10 years after the start of such projects. The Department of the Army considers this an essential feature of the proposed legislation.

In summary, the Department of the Army considers that H.R. 5269 embodies all of the desirable objectives of H.R. 9032 on which the Department testified favorably during the previous Congress, and that H.R. 5269 is preferable to H.R. 9032 with respect to the prescribed procedures for non-Federal participation in the development of recreational possibilities of Federal reservoirs. The Department believes that the provisions of H.R. 5269 are equitable, practicable, and in the national interest and, accordingly, concurs in the recommendations of the Bureau of the Budget that it be enacted.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 12, 1958 (72 STAT. 563; 16 U.S.C. 662(d))

SEC. 2. (d) The cost of planning for and the construction or installation and maintenance of such means and measures adopted to carry out the conservation purposes of this section shall constitute an integral part of the cost of such projects: *Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond [those] *that* necessary for (1) land acquisition, (2) *facilities as specifically recommended in water resource project reports*, (3) modification of the project. and [(3)] (4) modification of project operations [;], but shall not include the operation of wildlife facilities [nor the construction of such facilities beyond those herein described:

And provided further, That, in the case of projects authorized to be constructed, operated, and maintained in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), the Secretary of the Interior, in addition to allocations made under section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187), shall make findings on the part of the estimated cost of the project which can properly be allocated to means and measures to prevent loss of and damage to wildlife resources, which costs shall not be reimbursable, and an appropriate share of the project costs may be allocated to development and improvement of wildlife resources, with a finding as to the part of such allocated costs, if any, to be reimbursed by non-Federal fish and wildlife agencies interests].

LAND AND WATER CONSERVATION FUND ACT OF 1965 (78 STAT. 897)

SEC. 2. (a) ENTRANCE AND USER FEES; ESTABLISHMENT; REGULATIONS.—All proceeds from entrance, admission, and other recreation user fees or charges collected or received by the National Park Service, the Bureau of Land Management, the Bureau of Sport Fisheries and Wildlife, the Bureau of Reclamation, the Forest Service, the Corps of Engineers, the Tennessee Valley Authority, and the United States section of the International Boundary and Water Commission (United States and Mexico), [notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury:] *notwithstanding any other provision of law*: Provided, That nothing in this Act shall affect any rights or authority of the States with respect to fish and wildlife, nor shall this Act repeal any provision of law that permits States or political subdivisions to share in the revenues from Federal lands [or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law] *or affect any contract heretofore entered into by the United States that provides that such revenues collected at particular Federal areas shall be credited to specific purposes*; but the proceeds from fees or charges established by the President pursuant to this subsection for entrance or admission generally to Federal areas shall be used solely for the purposes of this Act. * * *



89TH CONGRESS
1ST SESSION

H. R. 5269

[Report No. 254]

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1965

Mr. ASPINALL introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

APRIL 27, 1965

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That it is the policy of the Congress and the intent of this
4 Act that ~~(a) full consideration shall be given to outdoor~~
5 recreation opportunities and fish and wildlife enhancement
6 where these can be provided or enhanced in the investiga-
7 tion, planning, construction, operation, and maintenance of
8 Federal navigation, flood control, reclamation, hydroelectric,

1 and multiple purpose water resource projects; ~~(b)~~ planning
2 with respect to the development of the recreation potential
3 of any such project shall be based on the coordination of the
4 recreational use of the project area with the use of existing
5 and planned Federal, State, or local public recreation devel-
6 opments; and ~~(c)~~ project construction agencies shall encour-
7 age non-Federal public bodies to administer project land and
8 water areas for recreation and fish and wildlife enhancement
9 purposes and operate, maintain and replace facilities pro-
10 vided for those purposes unless such areas or facilities are
11 authorized by law for inclusion within a national recreation
12 area, or are appropriate for administration by a Federal
13 agency as a part of the national forest system, as a part of the
14 public lands classified for retention in Federal ownership,
15 or in connection with an authorized Federal program for
16 the conservation and development of fish and wildlife.

17 SEC. 2. ~~(a)~~ If, before authorization of a project, non-
18 Federal public bodies indicate their intent in writing to
19 agree to administer project land and water areas for recrea-
20 tion and fish and wildlife enhancement pursuant to a plan
21 of development and to bear not less than one-half the
22 separable costs of the project allocated to recreation and fish
23 and wildlife enhancement and all the costs of operation,
24 maintenance and replacement of recreation and fish and wild-
25 life enhancement lands and facilities: ~~(1)~~ the benefits of the

1 project to recreation and fish and wildlife enhancement shall
2 be taken into account in determining the economic benefits
3 of the project; ~~(2)~~ costs shall be allocated to the purposes
4 of recreation and fish and wildlife enhancement and to other
5 purposes in a manner which will insure that all project
6 purposes share equitably in the advantages of multiple-
7 purpose construction; *Provided*, That the costs allocated to
8 recreation or fish and wildlife enhancement shall not exceed
9 the lesser of the benefits from those functions or the costs
10 of providing recreation of fish and wildlife enhancement
11 benefits of reasonably equivalent use and location by the
12 least costly alternative means; and ~~(3)~~ not more than one-
13 half the separable costs and all the joint costs of the project
14 allocated to recreation and fish and wildlife enhancement
15 shall be borne by the United States and be nonreimbursable.
16 Projects authorized before January 1, 1966, may include
17 recreation and fish and wildlife enhancement on the fore-
18 going basis without the required indication of intent. Execu-
19 tion of an agreement as aforesaid shall be a prerequisite to
20 commencement of construction of projects authorized pur-
21 suant to this section.

22 ~~(b)~~ The non-Federal share of the separable costs of the
23 project allocated to recreation and fish and wildlife en-
24 hancement shall be borne by non-Federal interests, under
25 either or both of the following methods as may be deter-

1 mined appropriate by the head of the Federal agency having
2 jurisdiction over the project: ~~(1)~~ payment, or provision of
3 lands, interests therein, or facilities for the project; or ~~(2)~~
4 repayment, with interest at a rate comparable to that for
5 other interest-bearing functions of Federal water resource
6 projects, within fifty years of first use of project recreation
7 or fish and wildlife enhancement facilities: *Provided, That*
8 the source of repayment may be limited to entrance and user
9 fees or charges collected at the project by non-Federal inter-
10 ests if the fee schedule and the portion of fees dedicated to
11 repayment are established on a basis calculated to achieve
12 repayment as aforesaid and if the fee schedule and the portion
13 of fees dedicated to repayment are made subject to review
14 and renegotiation at intervals of not more than five years.

15 SEC. 3. ~~(a)~~ In the absence of an indication of intent as
16 specified in subsection 2~~(a)~~, facilities or project modifica-
17 tions shall not be provided expressly for recreation and fish
18 and wildlife enhancement; minimum facilities for the public
19 health and safety may be provided at access points provided
20 by roads existing at the time of project construction and
21 roads constructed for the administration and management of
22 the project. For projects authorized pursuant to section 3
23 hereof, the recreation and fish and wildlife enhancement
24 benefits shall be limited to the number of visitor days and the
25 value per visitor day which would take place on the basis of

1 the provision of minimum facilities for public health and
2 safety, and excluding any additional land which may be
3 acquired expressly to provide for subsequent recreation or
4 fish and wildlife enhancement development as provided un-
5 der subsection 3(b); for projects authorized pursuant to this
6 subsection, all costs allocated to recreation and fish and wild-
7 life enhancement shall be nonreimbursable.

8 ~~(b)~~ In the absence of an indication of intent as specified
9 in subsection 2(a), lands may be provided in connection
10 with project construction to preserve the recreation and fish
11 and wildlife enhancement potential of the project—

12 ~~(1)~~ if non-Federal public bodies execute an agree-
13 ment within ten years after initial operation of the proj-
14 ect, which agreement shall provide that the non-Federal
15 public bodies will administer project land and water
16 areas for recreation and fish and wildlife enhancement
17 pursuant to a plan of development and will bear not less
18 than one-half the costs of lands, facilities, and project
19 modifications provided for those purposes and all costs of
20 operation, maintenance, and replacement of recreation
21 and fish and wildlife enhancement facilities, not more
22 than one-half the costs of lands, facilities, and project
23 modifications provided pursuant to paragraph ~~(1)~~ of
24 this subsection may be borne by the United States and
25 such costs shall be nonreimbursable. Such agreement

1 and subsequent development shall not be the basis for
2 any reallocation of joint costs of the project to recreation
3 or fish and wildlife enhancement;

4 ~~(2)~~ if, within ten years after initial operation of
5 the project, there is not an executed agreement as speci-
6 fied in paragraph ~~(1)~~ of subsection 3(b), the head of
7 the agency having jurisdiction over the project may
8 convey the possession and control of any lands provided
9 pursuant to subsection 3(b) by deed, lease, or otherwise,
10 to any Federal agency, or to any person or non-Federal
11 body, for the purpose of recreation, fish and wildlife
12 enhancement, or use as a summer residence, or for the
13 operation on such lands of pleasure resorts for boating,
14 fishing, or any similar purpose, or for any other purpose
15 which would not conflict with the purposes for which
16 the project was constructed: *Provided*, That no transfer
17 authorized herein, except transfer by conveyance at full
18 market value under the then existing conditions, shall
19 be made without approval of the President of the United
20 States.

21 Sec. 4. At projects, the construction of which has com-
22 menced or been completed as of the effective date of this
23 Act, where non-Federal public bodies agree to administer
24 project land and water areas for recreation and fish and

1 wildlife enhancement purposes and to bear the costs of op-
2 eration, maintenance, and replacement of existing facilities
3 serving those purposes, such facilities and appropriate proj-
4 ect lands may be transferred to the non-Federal public bodies
5 at no cost.

6 ~~SEC. 5:~~ Nothing herein shall be construed as preventing
7 or discouraging post-authorization development of any proj-
8 ect for recreation and fish and wildlife enhancement by non-
9 Federal public bodies pursuant to agreement with the head
10 of the Federal agency having jurisdiction over the project.
11 Such development shall not be the basis for any allocation
12 or reallocation of project costs to recreation or fish and
13 wildlife enhancement.

14 ~~SEC. 6: (a)~~ The views of the Secretary of the Interior
15 developed in accordance with section 3 of the Act of May 28,
16 1963 (77 Stat. 49), with respect to the outdoor recreation
17 aspects shall be set forth in any report on any project or
18 appropriate unit thereof within the purview of this Act.
19 Such views shall include a report on the extent to which
20 the proposed recreation and fish and wildlife development
21 conforms to and is in accord with the State comprehensive
22 plan developed pursuant to subsection 5(d) of the Land and
23 Water Conservation Act of 1965 (78 Stat. 897).

24 ~~(b)~~ Nothing in this Act shall be construed as amending

1 the first proviso of subsection 2(d) of the Act of August 12,
2 1958 (72 Stat. 563; 16 U.S.C. 662(d)), and the second
3 proviso of subsection 2(d) of that Act is hereby repealed.

4 ~~(c)~~ Expenditures for lands or interests in lands hereafter
5 acquired by project construction agencies for the establish-
6 ment of migratory waterfowl refuges recommended by the
7 Secretary of the Interior at Federal water resource projects,
8 when such lands or interests in lands would not have been
9 acquired but for the establishment of a migratory waterfowl
10 refuge at the project, shall not exceed \$28,000,000: *Pro-*
11 *vided*, That the aforementioned expenditure limitation in this
12 subsection shall not apply to the costs of mitigating damages
13 to migratory waterfowl caused by such water resource
14 project.

15 ~~(d)~~ This Act shall not apply to the Tennessee Valley
16 Authority, nor to projects constructed under authority of the
17 Small Reclamation Projects Act, as amended, or under
18 authority of the Watershed Protection and Flood Prevention
19 Act, as amended.

20 ~~(e)~~ Sections 2, 3, 4, and 5 of this Act shall not apply
21 to nonreservoir local flood control projects, beach erosion
22 control projects, small boat harbor projects, hurricane protec-
23 tion projects, or to project areas or facilities authorized by
24 law for inclusion within a national recreational area or appro-
25 priate for administration by a Federal agency as a part of the

1 national forest system, as a part of the public lands classified
2 for retention in Federal ownership, or in connection with an
3 authorized Federal program for the conservation and devel-
4 opment of fish and wildlife.

5 ~~(f)~~ As used in this Act, the term "nonreimbursable"
6 shall not be construed to prohibit the imposition of entrance,
7 admission, and other recreation user fees or charges.

8 ~~(g)~~ Subsection 6(a)-(2) of the Land and Water Con-
9 servation Fund Act of 1965 (78 Stat. 897) shall not apply
10 to costs allocated to recreation and fish and wildlife enhance-
11 ment which are borne by the United States as a nonreim-
12 bursable project cost pursuant to subsection 2(a) or sub-
13 section 3(b)-(1) of this Act.

14 ~~(h)~~ All payments and repayment by non-Federal public
15 bodies under the provisions of this Act, and revenue from
16 the conveyance by deed, lease, or otherwise, of lands under
17 subsection 3(b)-(2) of this Act, shall be deposited in the
18 Treasury as miscellaneous receipts.

19 SEC. 7. (a) The Secretary of the Interior is authorized
20 as a part of any water resource development project under
21 his control heretofore or hereafter authorized or reauthor-
22 ized, except projects or areas within national wildlife refuges,
23 to investigate, plan, construct, operate, and maintain or
24 otherwise provide for public outdoor recreation facilities, to

1 acquire or otherwise to include within the project area such
2 adjacent lands or interests therein as are necessary for present
3 or future public recreation use; to provide for the public
4 use and enjoyment of project lands, facilities, and water
5 areas in a manner coordinated with the other project pur-
6 poses; and at projects hereafter authorized or reauthorized,
7 to allocate water and reservoir capacity to recreation. Lands,
8 facilities, and project modifications may be provided in ac-
9 cordance with subsection 3(b); hereof; at projects here-
10 tofore authorized.

11 (b) The Secretary of the Interior is authorized to enter
12 into agreements with Federal agencies or State or local public
13 bodies for the administration of project land water areas
14 and the operation, maintenance, and replacement of facilities
15 and to transfer project lands or facilities to Federal agencies
16 or State or local public bodies by lease, conveyance, or ex-
17 change, upon such terms and conditions as will best promote
18 the development and operation of such lands or facilities in
19 the public interest for recreation purposes.

20 (c) No lands under the jurisdiction of any other Fed-
21 eral agency may be included for or devoted to recreation
22 purposes under the authority of this section without the con-
23 sent of the head of such agency; and the head of any such
24 agency is authorized to transfer any such lands to the juris-
25 diction of the Secretary of the Interior for purposes of this

1 section: The Secretary of the Interior is authorized to trans-
2 fer jurisdiction over project lands within or adjacent to the
3 exterior boundaries of national forests and facilities thereon to
4 the Secretary of Agriculture for recreation and other national
5 forest system purposes; and such transfer shall be made in
6 each case in which the project reservoir area is located wholly
7 within the exterior boundaries of a national forest unless the
8 Secretaries of Agriculture and Interior jointly determine
9 otherwise. Where any project lands are transferred here
10 under to the jurisdiction of the Secretary of Agriculture, the
11 lands involved shall become national forest lands: *Provided*,
12 That the lands and waters within the flow lines of any reser-
13 voir or otherwise needed or used for the operation of the
14 project for other purposes shall continue to be administered
15 by the Secretary of the Interior to the extent he determines
16 to be necessary for such operation. Nothing herein shall
17 limit the authority of the Secretary of the Interior granted
18 by existing provisions of law relating to recreation develop-
19 ment of water resource projects or to disposition of public
20 lands for recreational purposes.

21 SEC. 8. As used in this Act—

22 (a) The term “project” shall mean a project or any
23 appropriate unit thereof.

24 (b) The term “cost” shall mean the value of goods

1 and services (land, labor, and supplies) used for the
2 establishment, maintenance, and operation of the project.

3 ~~(c)~~ The term "separable costs" shall mean the cost
4 for each project purpose which is the difference between
5 the cost of the multiple-purpose project and the cost
6 of the project with the purpose omitted.

7 ~~(d)~~ The term "joint costs" shall mean the differ-
8 ence between the cost of the multiple-purpose project
9 as a whole and the total of the separable costs for all
10 project purposes.

11 ~~SEC. 9. This Act may be cited as the "Federal Water~~
12 ~~Project Recreation Act".~~

13 *That it is the policy of the Congress and the intent of this*
14 *Act that (a) in investigating and planning any Federal navi-*
15 *gation, flood control, reclamation, hydroelectric, or multiple-*
16 *purpose water resource project, full consideration shall be*
17 *given to the opportunities, if any, which the project affords for*
18 *outdoor recreation and for fish and wildlife enhancement and*
19 *that, wherever any such project can reasonably serve either*
20 *or both of these purposes consistently with the provisions of*
21 *this Act, it shall be constructed, operated, and maintained*
22 *accordingly; (b) planning with respect to the development of*
23 *the recreation potential of any such project shall be based*
24 *on the coordination of the recreational use of the project area*
25 *with the use of existing and planned Federal, State, or local*

1 public recreation developments; and (c) project construction
2 agencies shall encourage non-Federal public bodies to ad-
3 minister project land and water areas for recreation and fish
4 and wildlife enhancement purposes and operate, maintain,
5 and replace facilities provided for those purposes unless
6 such areas or facilities are included or proposed for inclusion
7 within a national recreation area, or are appropriate for
8 administration by a Federal agency as a part of the national
9 forest system, as a part of the public lands classified for re-
10 tention in Federal ownership, or in connection with an
11 authorized Federal program for the conservation and de-
12 velopment of fish and wildlife.

13 SEC. 2. (a) If, before authorization of a project,
14 non-Federal public bodies indicate their intent in writing
15 to agree to administer project land and water areas for
16 recreation or fish and wildlife enhancement or for both of
17 these purposes pursuant to the plan for the development of
18 the project approved by the head of the agency having ad-
19 ministrative jurisdiction over it and to bear not less than
20 one-half the separable costs of the project allocated to either
21 or both of said purposes, as the case may be, and all the costs
22 of operation, maintenance, and replacement incurred there-
23 for—

24 (1) the benefits of the project to said purpose or purposes

1 shall be taken into account in determining the economic
2 benefits of the project;

3 (2) costs shall be allocated to said purpose or purposes
4 and to other purposes in a manner which will insure that all
5 project purposes share equitably in the advantages of multiple-
6 purpose construction: Provided, That the costs allocated to
7 recreation or fish and wildlife enhancement shall not exceed
8 the lesser of the benefits from those functions or the costs of
9 providing recreation or fish and wildlife enhancement benefits
10 of reasonably equivalent use and location by the least costly
11 alternative means; and

12 (3) not more than one-half the separable costs and all the
13 joint costs of the project allocated to recreation and fish and
14 wildlife enhancement shall be borne by the United States
15 and be nonreimbursable. Projects authorized during the cal-
16 endar year 1965 may include recreation and fish and wildlife
17 enhancement on the foregoing basis without the required
18 indication of intent. Execution of an agreement as aforesaid
19 shall be a prerequisite to commencement of construction of
20 any project to which this subsection is applicable.

21 (b) The non-Federal share of the separable costs of the
22 project allocated to recreation and fish and wildlife en-
23 hancement shall be borne by non-Federal interests, under
24 either or both of the following methods as may be deter-
25 mined appropriate by the head of the Federal agency having

1 jurisdiction over the project: (1) payment, or provision of
2 lands, interests therein, or facilities for the project; or (2)
3 repayment, with interest at a rate comparable to that for
4 other interest-bearing functions of Federal water resource
5 projects, within fifty years of first use of project recreation
6 or fish and wildlife enhancement facilities: Provided, That
7 the source of repayment may be limited to entrance and user
8 fees or charges collected at the project by non-Federal inter-
9 ests if the fee schedule and the portion of fees dedicated to
10 repayment are established on a basis calculated to achieve
11 repayment as aforesaid and are made subject to review and
12 renegotiation at intervals of not more than five years.

13 SEC. 3. (a) No facilities or project modifications which
14 will furnish recreation or fish and wildlife enhancement bene-
15 fits shall be provided in the absence of the indication of in-
16 tent with respect thereto specified in subsection 2(a) of this
17 Act unless (1) such facilities or modifications serve other
18 project purposes and are justified thereby without regard to
19 such incidental recreation or fish and wildlife enhancement
20 benefits as they may have or (2) they are minimum facilities
21 which are required for the public health and safety and are
22 located at access points provided by roads existing at the time
23 of project construction or constructed for the administration
24 and management of the project. Calculation of the recre-
25 ation and fish and wildlife enhancement benefits in any such

1 case shall be based on the number of visitor days anticipated
2 in the absence of recreation and fish and wildlife enhance-
3 ment facilities or modifications except as hereinbefore pro-
4 vided and on the value per visitor-day of the project without
5 such facilities or modifications. Project costs allocated to
6 recreation and fish and wildlife enhancement on this basis
7 shall be nonreimbursable.

8 (b) Notwithstanding the absence of an indication of
9 intent as specified in subsection 2(a), lands may be provided
10 in connection with project construction to preserve the recrea-
11 tion and fish and wildlife enhancement potential of the
12 project.

13 (1) If non-Federal public bodies execute an agree-
14 ment within ten years after initial operation of the project
15 (which agreement shall provide that the non-Federal
16 public bodies will administer project land and water
17 areas for recreation or fish and wildlife enhancement or
18 both pursuant to the plan for the development of the
19 project approved by the head of the agency having ad-
20 ministrative jurisdiction over it and will bear not less than
21 one-half the costs of lands, facilities, and project modifi-
22 cations provided for either or both of those purposes, as
23 the case may be, and all costs of operation, maintenance,
24 and replacement attributable thereto), the remainder of
25 the costs of lands, facilities, and project modifications pro-

vided pursuant to this paragraph shall be nonreimbursable. Such agreement and subsequent development, however, shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of this subsection, the head of the agency having jurisdiction over the project may utilize the lands for any lawful purpose within the jurisdiction of his agency, or may transfer custody of the lands to another Federal agency for use for any lawful purpose within the jurisdiction of that agency, or may lease the lands to a non-Federal public body, or may transfer the lands to the Administrator of General Services for disposition in accordance with the surplus property laws of the United States. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed, and in every case preference shall be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential.

SEC. 4. At projects, the construction of which has com-

1 menced or been completed as of the effective date of this
2 Act, where non-Federal public bodies agree to administer
3 project land and water areas for recreation and fish and
4 wildlife enhancement purposes and to bear the costs of op-
5 eration, maintenance, and replacement of existing facilities
6 serving those purposes, such facilities and appropriate proj-
7 ect lands may be leased to non-Federal public bodies.

8 *SEC. 5. Nothing herein shall be construed as preventing*
9 *or discouraging post-authorization development of any proj-*
10 *ect for recreation or fish and wildlife enhancement or both*
11 *by non-Federal public bodies pursuant to agreement with the*
12 *head of the Federal agency having jurisdiction over the*
13 *project. Such development shall not be the basis for any*
14 *allocation or reallocation of projects costs to recreation or*
15 *fish and wildlife enhancement.*

16 *SEC. 6. (a) The views of the Secretary of the Interior*
17 *developed in accordance with section 3 of the Act of May 28,*
18 *1963 (77 Stat. 49), with respect to the outdoor recreation*
19 *aspects shall be set forth in any report on any project or*
20 *appropriate unit thereof within the purview of this Act.*
21 *Such views shall include a report on the extent to which*
22 *the proposed recreation and fish and wildlife development*
23 *conforms to and is in accord with the State comprehensive*
24 *plan developed pursuant to subsection 5(d) of the Land and*
25 *Water Conservation Act of 1965 (78 Stat. 897).*

1 (b) The first proviso of subsection 2(d) of the Act of
2 August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)) is
3 amended to read as follows: "Provided, That such cost at-
4 tributable to the development and improvement of wildlife
5 shall not extend beyond that necessary for (1) land acquisi-
6 tion, (2) facilities as specifically recommended in water re-
7 source project reports, (3) modification of the project, and
8 (4) modification of project operations, but shall not include
9 the operation of wildlife facilities." The second proviso of
10 subsection 2(d) of said Act is hereby repealed.

11 (c) Expenditures for lands or interests in lands here-
12 after acquired by project construction agencies for the es-
13 tablishment of migratory waterfowl refuges recommended
14 by the Secretary of the Interior at Federal water resource
15 projects, when such lands or interests in lands would not
16 have been acquired but for the establishment of a migratory
17 waterfowl refuge at the project, shall not exceed \$28,000-
18 000: Provided, That the aforementioned expenditure limi-
19 tation in this subsection shall not apply to the costs of
20 mitigating damages to migratory waterfowl caused by such
21 water resource project.

22 (d) This Act shall not apply to the Tennessee Valley
23 Authority, nor to projects constructed under authority of the
24 Small Reclamation Projects Act, as amended, or under

1 *authority of the Watershed Protection and Flood Prevention*
2 *Act, as amended.*

3 *(e) Sections 2, 3, 4, and 5 of this Act shall not apply*
4 *to nonreservoir local flood control projects, beach erosion*
5 *control projects, small boat harbor projects, hurricane protec-*
6 *tion projects, or to project areas or facilities, authorized by*
7 *law for inclusion within a national recreation area or appro-*
8 *priate for administration by a Federal agency as a part of the*
9 *national forest system, as a part of the public lands classified*
10 *for retention in Federal ownership, or in connection with an*
11 *authorized Federal program for the conservation and devel-*
12 *opment of fish and wildlife.*

13 *(f) As used in this Act, the term "nonreimbursable"*
14 *shall not be construed to prohibit the imposition of entrance,*
15 *admission, and other recreation user fees or charges.*

16 *(g) Subsection 6(a)(2) of the Land and Water Con-*
17 *servation Fund Act of 1965 (78 Stat. 897) shall not apply*
18 *to costs allocated to recreation and fish and wildlife enhance-*
19 *ment which are borne by the United States as a nonreim-*
20 *bursable project cost pursuant to subsection 2(a) or sub-*
21 *section 3(b)(1) of this Act.*

22 *(h) All payments and repayment by non-Federal public*
23 *bodies under the provisions of this Act, and revenue from*
24 *the conveyance by deed, lease, or otherwise, of lands under*

1 subsection 3(b)(2) of this Act, shall be deposited in the
2 Treasury as miscellaneous receipts.

3 SEC. 7. (a) The Secretary of the Interior is authorized
4 as a part of any water resource development project under
5 his control heretofore or hereafter authorized or reauthor-
6 ized, except projects or areas within national wildlife refuges,
7 to investigate, plan, construct, operate, and maintain or
8 otherwise provide for public outdoor recreation and fish
9 and wildlife enhancement facilities, to acquire or otherwise
10 to include within the project area such adjacent lands or
11 interests therein as are necessary for present or future pub-
12 lic recreation or fish and wildlife use, to provide for the
13 public use and enjoyment of project lands, facilities, and
14 water areas in a manner coordinated with the other project
15 purposes, and at projects hereafter authorized or reauthor-
16 ized, to allocate water and reservoir capacity to recreation
17 and fish and wildlife enhancement: Provided, That no ap-
18 propriation shall be made for the construction of recreation
19 or fish and wildlife facilities or the acquisition of land for
20 such purposes at existing projects, which construction or
21 acquisition has not heretofore been authorized by law, prior
22 to the expiration of sixty calendar days (which sixty days,
23 however, shall not include days on which either the House of
24 Representatives or the Senate is not in session because of an

1 adjournment of more than three calendar days) from the date
2 on which the Secretary submits to the Congress a report
3 thereon and then only if, within said sixty days, neither the
4 House nor the Senate Committee on Interior and Insular
5 Affairs disapproves such plan. Lands, facilities, and project
6 modifications may be provided in accordance with subsection
7 3(b), hereof, at projects heretofore authorized.

8 (b) The Secretary of the Interior is authorized to enter
9 into agreements with Federal agencies or State or local pub-
10 lic bodies for the administration of project land and water
11 areas and the operation, maintenance, and replacement of
12 facilities and to transfer project lands or facilities to Federal
13 agencies or State or local public bodies by lease agreement
14 or exchange upon such terms and conditions as will best pro-
15 mote the development and operation of such lands or facilities
16 in the public interest for recreation and fish and wildlife
17 enhancement purposes.

18 (c) No lands under the jurisdiction of any other Fed-
19 eral agency may be included for or devoted to recreation
20 or fish and wildlife purposes under the authority of this sec-
21 tion without the consent of the head of such agency; and the
22 head of any such agency is authorized to transfer any such
23 lands to the jurisdiction of the Secretary of the Interior for
24 purposes of this section. The Secretary of the Interior is
25 authorized to transfer jurisdiction over project lands with-

1 in or adjacent to the exterior boundaries of national forests
2 and facilities thereon to the Secretary of Agriculture for
3 recreation and other national forest system purposes; and
4 such transfer shall be made in each case in which the project
5 reservoir area is located wholly within the exterior bound-
6 aries of a national forest unless the Secretaries of Agriculture
7 and Interior jointly determine otherwise. Where any project
8 lands are transferred hereunder to the jurisdiction of the
9 Secretary of Agriculture, the lands involved shall become
10 national forest lands: Provided, That the lands and waters
11 within the flow lines of any reservoir or otherwise needed or
12 used for the operation of the project for other purposes shall
13 continue to be administered by the Secretary of the Interior
14 to the extent he determines to be necessary for such opera-
15 tion. Nothing herein shall limit the authority of the Secre-
16 tary of the Interior granted by existing provisions of law re-
17 lating to recreation or fish and wildlife development in cor-
18 nection with water resource projects or to disposition of publi-
19 lands for such purposes.

20 SEC. 8. Nothing contained in this Act shall be taken to
21 authorize or to sanction the construction under the Federal
22 reclamation laws or under any Rivers and Harbors or Flood
23 Control Act of any project in which the sum of the allocations
24 to recreation and fish and wildlife enhancement exceeds the
25 sum of the allocations to irrigation, hydroelectric power,

1 *municipal, domestic and industrial water supply, navigation,*
2 *and flood control.*

3 *SEC. 9. As used in this Act—*

4 *(a) The term “project” shall mean a project or any*
5 *appropriate unit thereof.*

6 *(b) The term “separable costs,” as applied to any*
7 *project purpose, means the difference between the capital*
8 *cost of the entire multiple-purpose project and the capital*
9 *cost of the project with the purpose omitted.*

10 *(c) The term “joint costs” means the difference be-*
11 *tween the capital cost of the entire multiple-purpose*
12 *project and the sum of the separable costs for all project*
13 *purposes.*

14 *(d) The term “capital cost” includes interest dur-*
15 *ing construction, wherever appropriate.*

16 *SEC. 10. Section 2, subsection (a) of the Land and*
17 *Water Conservation Fund Act of 1965 (78 Stat. 897) is*
18 *hereby amended by striking out the words “notwithstanding*
19 *any provision of law that such proceeds shall be credited to*
20 *miscellaneous receipts of the Treasury:” and inserting in lieu*
21 *thereof the words “notwithstanding any other provision of*
22 *law:” and by striking out the words “or any provision of*
23 *law that provides that any fees or charges collected at par-*
24 *ticular Federal areas shall be used for or credited to specific*
25 *purposes or special funds as authorized by that provision of*

1 *law” and inserting in lieu thereof “or affect any contract*
2 *heretofore entered into by the United States that provides*
3 *that such revenues collected at particular Federal areas shall*
4 *be credited to specific purposes”.*

5 *SEC. 11. This Act may be cited as the “Federal Water*
6 *Project Recreation Act”.*

89TH CONGRESS
1ST Session

H. R. 5269

[Report No. 254]

A BILL

To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

By Mr. ASPINALL

FEBRUARY 23, 1965

Referred to the Committee on Interior and Insular
Affairs

APRIL 27, 1965

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

MAY 11, 1965

the President; Civil Service Commission; Federal Power Commission; Federal Trade Commission; General Accounting Office; General Services Administration; Housing and Home Finance Agency; Interstate Commerce Commission; and National Science Foundation.

3. FORESTRY. The Subcommittee on Public Parks of the Interior and Insular Affairs Committee voted to report to the full committee with amendment H. R. 5798, to extend the boundaries of the Kaniksu National Forest, Idaho. p. D382
4. RIVER BASINS. The Rules Committee reported a resolution for consideration of H. R. 6755, to authorize additional appropriations for the prosecution of certain river basin plans for flood control by the Corps of Engineers (pp. 9821-2, 9880). Rep. Jones, Ala., spoke in support of this bill (p. 9827).
5. WATER RESOURCES. The Rules Committee reported a resolution for consideration of H. R. 5269, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects. ~~pp. 9822, 9880~~
6. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment H. R. 6032, to authorize increased appropriations for the Mann Creek reclamation project, Idaho (H. Rept. 388). p. 9880
7. COPYRIGHTS. A subcommittee of the Judiciary Committee voted to report to the full committee with amendment H. J. Res. 431, to extend the duration of copyright protection in certain cases. p. D382
8. ELECTRIFICATION. Several Representatives paid tribute to the Rural Electrification Administration on its 30th anniversary. pp. 9824-6, 9828-30, 9861-2, 9868-9, 9878-9
Rep. Brown, Calif., commended AID, with the help of U. S. cooperatives and voluntary organizations, in providing assistance for the establishment of rural electric cooperatives in Latin America. pp. 9867-8
9. FARM LABOR. Rep. Talcott criticized the farm labor policies of the Department of labor and stated there was not an adequate supply of farm labor to harvest crops in Calif. p. 9842
10. UNDER SECRETARY. Reps. Cooley, Albert, and others commended the public service record of Under Secretary Murphy. pp. 9875-8
11. FOREIGN AID. Rep. Vigorito stated that the foreign aid program should not be blamed for the U. S. balance-of-payments deficit. p. 9828
Rep. Matsunaga defended the foreign aid program, stating that it is designed to help people and not foreign governments. p. 9873
Rep. Bingham commended the Alliance for Progress program, particularly in providing agricultural credit loans and food for the peoples of Latin America. p. 9875
12. REGIONAL DEVELOPMENT. Rep. Cleveland contended that the New England area was not receiving a fair share of Federal assistance for economically depressed areas. pp. 9834-5

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

(For information only;
should not be quoted
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OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

Official Business

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U. S. Department of Agriculture

Issued May 12, 1965

For actions of May 11, 1965

89th-1st; No. 84

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HIGHLIGHTS: House committee reported bill to establish Department of Housing and Urban Development. House passed independent offices appropriation bill. Several Representatives and Senators commended REA on 30th anniversary. Rep. Talcott criticized farm labor situation. Sen. Mundt commended agriculture utilization research. Sen. Douglas introduced and discussed housing and urban development bill.

HOUSE

1. HOUSING AND URBAN DEVELOPMENT. The Government Operations Committee reported with amendment H. R. 6927, to establish a Department of Housing and Urban Development (H. Rept. 337). p. 9880
2. INDEPENDENT OFFICES APPROPRIATION BILL, 1966. Passed with amendments this Bill, H. R. 7997 (pp. 9805-21). The bill includes funds for civil defense and defense mobilization functions of Federal agencies; disaster relief fund of

CONSIDERATION OF H.R. 5269

MAY 11, 1965.—Referred to the House Calendar and ordered to be printed

Mr. SISK, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 380]

The Committee on Rules, having had under consideration House Resolution 380, report the same to the House with the recommendation that the resolution do pass.



House Calendar No. 75

89TH CONGRESS
1ST SESSION

H. RES. 380

[Report No. 339]

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 1965

Mr. SISK, from the Committee on Rules, reported the following resolution;
which was referred to the House Calendar and ordered to be printed

RESOLUTION

1 *Resolved*, That upon the adoption of this resolution it
2 shall be in order to move that the House resolve itself into
3 the Committee of the Whole House on the State of the Union
4 for the consideration of the bill (H.R. 5269) to provide
5 uniform policies with respect to recreation and fish and wild-
6 life benefits and costs of Federal multipurpose water resource
7 projects, and to provide the Secretary of the Interior with
8 authority for recreation development of projects under his
9 control. After general debate, which shall be confined to the
10 bill and shall continue not to exceed one hour, to be equally
11 divided and controlled by the chairman and ranking minority
12 member of the Committee on Interior and Insular Affairs,

1 the bill shall be read for amendment under the five-minute
2 rule. It shall be in order to consider the substitute amend-
3 ment recommended by the Committee on Interior and
4 Insular Affairs now in the bill and such substitute for the
5 purpose of amendment shall be considered under the five-
6 minute rule as an original bill. At the conclusion of such
7 consideration the Committee shall rise and report the bill to
8 the House with such amendments as may have been adopted,
9 and any member may demand a separate vote in the House
10 on any of the amendments adopted in the Committee of the
11 Whole to the bill or committee substitute. The previous
12 question shall be considered as ordered on the bill and amend-
13 ments thereto to final passage without intervening motion
14 except one motion to recommit with or without instructions.

89TH CONGRESS
1ST SESSION

H. RES. 380

[Report No. 339]

RESOLUTION

Providing for consideration of H.R. 5269, a bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

By Mr. Sisk

MAY 11, 1965

Referred to the House Calendar and ordered to be printed

May 18, 1965 MAY 18, 1965

2. WATER RESOURCES. Passed with amendment S. 1229, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects and to provide the Secretary of the Interior with authority for recreation development of projects under his control, after substituting the language of a similar bill, H. R. 5269, which was passed earlier as reported from committee. H. R. 5269 was tabled. (pp. 10496-509) The committee report states that, in effect, the bill is applicable only to Interior and Army water resources development projects.
Rep. Anderson inserted Secretary Freeman's address dedicating nine community water systems in Lawrence County, Tenn., and discussing the importance of developing the economy in rural areas. pp. 10537-8
3. LABOR. Both Houses received the President's labor message in which he urged amendment of the Fair Labor Standards Act to extend its protection to an additional 4½ million workers (pp. 10399-400, 10493-4). Reps. Griffin and Roosevelt commended the message, and Rep. Roosevelt inserted an explanation of the proposed bill transmitted with the message which states that the bill would consolidate and clarify the Fair Labor Standards Act's present exemptions for the handling and processing of farm commodities (pp. 10521-3).
4. FORESTRY. The Interior and Insular Affairs Committee reported with amendment H. R. 5798, to extend the boundaries of the Kaniksu National Forest, Idaho (H. Rept. 351). p. 10541
5. EDUCATION. The "Daily Digest" states that the Special Subcommittee on Education of the Education and Labor Committee "ordered reported H. R. 3220, regarding higher education (a clean bill to be introduced in lieu thereof)". p. D412
6. FARM PROGRAM; CROP YIELDS. Rep. Findley stated that he has asked the President "to call a halt to a costly and illegal program under which crop-yield data for most of the Nation's farms is being refigured" by this Department, and inserted the text of his letter to the President on the subject. p. 10528
Rep. Williams inserted an address on the economic development of Miss., including agriculture and forestry development. pp. 10523-5
7. PERSONNEL. Rep. Dole commended Hollis Williams, SCS, for receiving a distinguished service award by this Department. p. 10525
8. AREA REDEVELOPMENT. Received from GAO "a report of inequitable allocation of accelerated public works funds among eligible areas, Area Redevelopment Administration." p. 10541
9. LEGISLATIVE PROGRAM. Rep. Albert stated that H. R. 7303, the Northwest disaster relief bill, will probably be considered today, Wed. p. 10493

SENATE

10. LABOR STANDARDS. Sen. Javits stated that the President's labor message is a "good step in the right direction" but is far from adequate to deal with certain problems. p. 10457
11. AIR POLLUTION. Passed as reported S. 306, to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles and to establish a Federal Air Pollution Control Laboratory. pp. 10400-4

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

Washington, D. C. 20250

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OFFICE OF
BUDGET AND FINANCE

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HIGHLIGHTS: House Rules Committee cleared Northwest disaster relief bill. Both Houses received President's Labor message. Sen. McNamara and Rep. Roosevelt introduced and discussed bills to amend Fair Labor Standards Act. Rep. Findley criticized USDA program to refigure crop yield data. Rep. Sullivan commended study by National Food Marketing Commission. Sen. Sparkman inserted report on expanded beef exports.

HOUSE

1. **DISASTER RELIEF.** The Rules Committee reported a resolution for consideration of H. R. 7303, to provide assistance to Calif., Ore., Wash., Nev., and Idaho for the reconstruction of areas damaged by recent floods. pp. 10497, 10541

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SALVADOR MUNOZ-TOSTADO

The Clerk called the bill (H.R. 1236) for the relief of Salvador Munoz-Tostado.

There being no objection, the Clerk read the bill, as follows:

H.R. 1236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraphs (17) and (23) of section 212(a) of the Immigration and Nationality Act, Salvador Munoz-Tostado may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: Provided, That this exemption shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

With the following committee amendments:

On page 1, lines 3 and 4, strike out the language "provisions of paragraphs (17) and" and insert in lieu thereof "provision of paragraph."

On page 1, line 9, strike out the word "grounds" and insert in lieu thereof "a ground".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LORETTA NEGRIN

The Clerk called the bill (H.R. 1306) for the relief of Loretta Negrin.

There being no objection, the Clerk read the bill, as follows:

H.R. 1306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Loretta Negrin may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of that Act, upon approval of a petition filed in her behalf by Mr. and Mrs. David Cohen, citizens of the United States, pursuant to section 205(b) of that Act, subject to all the conditions in that section relating to eligible orphans.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FOSTER MASAHIKO GUSHARD

The Clerk called the bill (H.R. 1314) for the relief of Foster Masahiko Gushard.

There being no objection, the Clerk read the bill, as follows:

H.R. 1314

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the

administration of the Immigration and Nationality Act, Foster Masahiko Gushard may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. LaVerne Norman Gushard, citizens of the United States, pursuant to section 205(b) of the Act, subject to all conditions in that section relating to eligible orphans.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ANNA CRISTINA RAINFORTH

The Clerk called the bill (H.R. 1322) for the relief of Mrs. Anna Cristina Rainforth.

There being no objection, the Clerk read the bill, as follows:

H.R. 1322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 245 of the Immigration and Nationality Act, Mrs. Anna Cristina Rainforth, the widow of Robert Ray Rainforth, a citizen of the United States, shall be held and considered to be within the purview of section 101(a)(27)(A) of that Act and the provisions of section 205 of the said Act shall not be applicable in this case.

With the following committee amendments:

On page 1, line 3, strike out the language "of section 245".

On page 1, line 4, strike out the name "Mrs. Anna Cristina Rainforth" and substitute the name "Mrs. Ana Cristina Rainforth".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "For the relief of Mrs. Ana Cristina Rainforth."

A motion to reconsider was laid on the table.

MRS. OLGA BERNICE BRAMSON GILFILLAN

The Clerk called the bill (H.R. 1443) for the relief of Mrs. Olga Bernice Bramson Gilfillan.

There being no objection, the Clerk read the bill, as follows:

H.R. 1443

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Olga Bernice Bramson Gilfillan, who lost United States citizenship under the provisions of section 301(b) of the Immigration and Nationality Act, may be naturalized by taking, prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of such Act. From and after naturalization under this Act, the said Mrs. Olga Bernice Bramson Gilfillan shall have the same citizenship status as that which existed immediately prior to its loss.

The bill was ordered to be engrossed and read a third time, was read the third

time, and passed, and a motion to reconsider was laid on the table.

GIUSEPPE DELINA

The Clerk called the bill (H.R. 1853) for the relief of Giuseppe Delina.

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ALBERT MARKS

The Clerk called the bill (H.R. 1889) for the relief of Albert Marks.

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

CHESTER (ABRAMCZYK) HILL

The Clerk called the bill (H.R. 1908) for the relief of Chester (Abramczyk) Hill.

Mr. McEWEN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

NABHANE M. NICKLEY (NABHANE M. KARAM)

The Clerk called the bill (H.R. 1987) for the relief of Nabhane M. Nickley (Nabhane M. Karam).

There being no objection, the Clerk read the bill, as follows:

H.R. 1987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(2) and 205 of the Immigration and Nationality Act, Nabhane M. Nickley (Nabhane M. Karam) shall be held and considered to be the natural-born alien son of Mr. and Mrs. Elias Nickley, citizens of the United States: Provided, That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KRYSZYNA GLOWACKA

The Clerk called the bill (H.R. 1989) for the relief of Krystyna Glowacka.

There being no objection, the Clerk read the bill, as follows:

H.R. 1989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Krystyna Glowacka may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act,

upon approval of a petition filed in her behalf by Mr. and Mrs. Charles E. Hancock, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendment:

On page 1, line 4, strike out the name "Krystyna Glowacka" and substitute in lieu thereof the name "Krystyna Stella Hancock."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "For the relief of Krystyna Stella Hancock."

A motion to reconsider was laid on the table.

DR. IGNACE D. LIU

The Clerk called the bill (H.R. 2012) for the relief of Dr. Ignace D. Liu.

There being no objection, the Clerk read the bill as follows:

H.R. 2012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of the immigration laws, Doctor Ignace D. Liu shall be deemed to be within the purview of section 2 of the Act of October 24, 1962 (76 Stat. 1247).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ZENAIDA Z. LAZARO

The Clerk called the bill (H.R. 2305) for the relief of Zenaida Z. Lazaro.

There being no objection, the Clerk read the bill, as follows:

H.R. 2305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212 (a) of the Immigration and Nationality Act, Zenaida Z. Lazaro may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: Provided, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

With the following committee amendments:

On page 1, line 3, strike out "section 212 (a)" and substitute in lieu thereof "section 212(a) (3)".

On page 1, line 4, strike out the name "Zenaida Z. Lazaro" and substitute in lieu thereof the name "Zenaida Quijano Lazaro".

On page 1, line 10, at the end of the bill, change the period to a colon and add the following: "Provided further, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "For the relief of Zenaida Quijano Lazaro."

A motion to reconsider was laid on the table.

TERESITA CENTENO VALDEZ

The Clerk called the bill (H.R. 2351) for the relief of Teresita Centeno Valdez.

There being no objection, the Clerk read the bill, as follows:

H.R. 2351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Teresita Centeno Valdez may be classified as an eligible orphan within the meaning of section 101(b) (1) (F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Ildefonso Salvacion Valdez, a citizen of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

With the following committee amendments:

On page 1, line 7, strike out the word "citizens" and substitute the words "a citizen".

On page 1, line 8, after the language "of the United States," insert the following: "and a lawfully resident alien, respectively."

The committee amendments were agreed to.

Mr. CHELF. Mr. Speaker, inasmuch as the adopted mother in this case has been naturalized, accordingly the committee amendment is not necessary. Therefore I ask unanimous consent to withdraw the committee amendments.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. ANTONIO R. PEREZ

The Clerk called the bill (H.R. 2360) for the relief of Dr. Antonio R. Perez.

There being no objection, the Clerk read the bill, as follows:

H.R. 2360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Antonio Perez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 4, 1956.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMEDIOS OCAMPO

The Clerk called the bill (H.R. 2499) for the relief of Remedios Ocampo.

There being no objection, the Clerk read the bill, as follows:

H.R. 2499

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Remedios Ocampo may be classified as an eligible orphan within the meaning of section 101(b) (1) (F) of that Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Eustaquio Ocampo, a citizen and lawfully resident alien of the United States, respectively, pursuant to section 205(b) of that Act, subject to all the conditions in that section relating to eligible orphans.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALFRED ESTRADA

The Clerk called the bill (H.R. 3625) for the relief of Alfred Estrada.

There being no objection, the Clerk read the bill, as follows:

H.R. 3625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of title III of the Immigration and Nationality Act, Alfred Estrada shall be held and considered to have complied with the residence and physical presence requirements of section 316 of the said Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. PHOEBE THOMPSON NEESHAM

The Clerk called the bill (H.R. 4131) for the relief of Mrs. Phoebe Thompson Neesham.

There being no objection, the Clerk read the bill, as follows:

H.R. 4131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 301(a) (7) of the Immigration and Nationality Act, Mrs. Phoebe Thompson Neesham shall be held and considered to have been physically present in the United States for a period of five years after attaining the age of fourteen years.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

FEDERAL WATER PROJECT RECREATION ACT

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 380) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 380

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5269) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multipurpose water resource projects, and to provide the Secretary of the

Interior with authority for recreation development of projects under his control. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Interior and Insular Affairs now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

CALL OF THE HOUSE

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Florida makes the point of order that a quorum is not present. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 102]

Andrews,	Fisher	Mathias
George W.	Flood	Morrison
Baring	Fogarty	Morse
Battin	Frelinghuysen	Morton
Bolling	Fulton, Pa.	Nix
Bonner	Garmatz	Powell
Bray	Green, Pa.	Price
Brock	Gubser	Resnick
Brown, Ohio	Hébert	Rivers, Alaska
Cederberg	Holland	Ronan
Clark	Hutchinson	Roncalio
Conyers	Ichord	Shipley
Corbett	Kluczynski	Sickles
Corman	Latta	Steed
Daddario	Lindsay	Teague, Tex.
de la Garza	Long, La.	Toll
Dent	McCulloch	Watkins
Dulski	Macdonald	
Evans, Colo.	Martin, Mass.	

The SPEAKER. On this rollcall 382 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING ASSISTANCE TO THE STATES OF CALIFORNIA, OREGON, WASHINGTON, NEVADA, AND IDAHO

Mr. SISK, from the Committee on Rules, reported the following privileged resolution (H. Res. 388, Rept. No. 352), which was referred to the House Calendar and ordered to be printed:

H. RES. 388

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7303) to provide assistance to the States of Cali-

fornia, Oregon, Washington, Nevada, and Idaho for the reconstruction of areas damaged by recent floods and high waters. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the substitute amendment recommended by the Committee on Public Works now in the bill and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

After the passage of H.R. 7303, the Committee on Public Works shall be discharged from the further consideration of the bill S. 327 and it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 7303 as passed.

COMMITTEE ON RULES

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I ask unanimous consent that that committee may have until midnight tonight to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

FEDERAL WATER PROJECTS RECREATION ACT.

The SPEAKER. The Chair recognizes the gentleman from California for 1 hour.

Mr. SISK. Mr. Speaker, I yield 30 minutes of my time to the gentleman from California [Mr. SMITH], and pending that I yield myself such time as I may consume.

(Mr. SISK asked and was given permission to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, House Resolution 380 provides for consideration of H.R. 5269, a bill to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control. The resolution provides an open rule with 1 hour of debate, making it in order to consider the substitute as an original bill for the purpose of amendment.

With the enactment of H.R. 5269, full consideration shall be given to recreation and to fish and wildlife enhancement as project purposes in Federal water resources projects; general cost-sharing and reimbursement policy for these purposes is established.

Planning with respect to the recreational potential of any project is to be

coordinated with existing and planned Federal, State, and local public recreation developments.

Non-Federal administration of the recreation and fish and wildlife enhancement features of most Federal water projects is to be encouraged by Federal agencies, and both non-Federal and Federal responsibilities with respect to the provision of outdoor recreation opportunities and fish and wildlife enhancement are to be recognized. In this respect, H.R. 5269 is complementary to the Land and Water Conservation Act of 1965.

Except in the case of those few areas which have sufficient national significance to warrant Federal administration for recreation and fish and wildlife enhancement purposes, the full potential of any Federal project for serving these purposes will be developed only upon an agreement by a non-Federal body that it will administer the area for either or both of these purposes and that it will advance or repay not less than half the separable costs of the project allocated to these purposes.

H.R. 5269 grants to the Secretary of the Interior general authority to develop the recreational potential of projects under his control, including authority to construct recreational facilities at existing projects, where such authority does not now exist.

The Nation's needs for outdoor recreation opportunities have mushroomed in recent years as our population and available leisure have burgeoned. Growing recreation use of Federal reservoirs is only one indication of these increasing recreation demands.

Mr. Speaker, I urge the adoption of House Resolution 380.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, as stated by the gentleman from California [Mr. SISK] this is an open rule providing for 1 hour of debate for the consideration of H.R. 5269 and providing for a committee substitute.

I find myself, Mr. Speaker, in complete accord with the explanation of the bill as stated by the gentleman from California [Mr. SISK]. I agree with his statements and ask to be associated with them.

May I simply add, Mr. Speaker, that according to the testimony before the Committee on Rules, we were informed that there is no authorization, or no request, for an appropriation and the bill is, supposedly, not to cost any money.

I understand the Corps of Engineers approved the bill. It is something that the committee has worked on for some period of time. I am also informed that the gentleman from Pennsylvania [Mr. SAYLOR] does have some reservations about the bill but not about the rule.

I know of no objection to the rule, Mr. Speaker, and urge its adoption.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman surely expects to get the bill later, does he not?

Mr. SMITH of California. I beg the gentleman's pardon, I did not hear him.

Mr. GROSS. The gentleman expects to see the spending bill come to the Congress later, does he not? While this legislation may not authorize any funds, certainly the gentleman, in view of the way legislation goes through here, would expect to get the money request later, would he not?

Mr. SMITH of California. The only thing I can say to the gentleman from Iowa is that the committee members were questioned on this before the Committee on Rules and they stated to us there is no cost in this particular bill. I will be happy to yield to the gentleman from Colorado [Mr. ASPINALL] to answer the gentleman's questions.

Mr. ASPINALL. Mr. Speaker, if my good friend, the gentleman from California, would yield I would like to say in answer to my friend, the gentleman from Iowa, of course we always have water resource projects coming up before the Congress. More than likely we will have coming up before this Congress bills having to do with flood control and other projects. Such bills would have some bearing on the way the projects are figured out when they are presented to the Congress and would have a bearing on the way reclamation projects are presented. But there will be no request for funds for the implementation of this bill as such.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. GROSS. This is the day I have been waiting for in the Congress—to hear that money will not be requested to implement legislation that we pass here.

Mr. SMITH of California. I am very glad that we have brought that day to pass, Mr. Speaker.

Mr. Speaker, I have no further request for time.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ROGERS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5269, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of H.R. 5269 with Mr. Young in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. ROGERS] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. SAYLOR] will be recognized for 30 minutes. The Chair recognizes the gentleman from Texas.

Mr. ROGERS of Texas. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Committee on Interior and Insular Affairs.

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. ASPINALL. Mr. Chairman, this is perhaps one of the most technical bills the Committee on Interior and Insular Affairs has presented to this body for a long time. Because of the fact that it is a technical bill, I intend to refer to my manuscript more than I usually do.

Mr. Chairman, where Congress authorizes Federal programs and projects it expects to receive returns—in one form or another—for the investments made. Such programs as national defense, of course, provide returns in terms of increased security for our Nation. Other programs such as the newly authorized poverty program yield returns in terms of putting people to work and raising our standard of living which benefits our entire economy. Federal programs and projects for water resources development are also expected to show returns that justify the investments. Water projects must be determined to be economically and financially feasible by the Congress if they are to be approved. If we are to make this determination, we must adopt sound and uniform procedures which must be applicable to all water projects. That is what this bill is all about.

Mr. Chairman, back when the Federal Government entered the field of developing our water resources and controlling our rivers, the programs involved only single-purpose projects—irrigation projects in the case of the Bureau of Reclamation and flood control projects in the case of the Corps of Engineers.

It was years later before we began to recognize that these large structures on our rivers and streams could serve many purposes and that all would benefit by sharing the cost. Thus, the multiple-purpose concept was born. Since about 1940 our projects have been planned on the basis of providing not only flood control and irrigation water but also water for municipal and industrial use, navigation flows, and hydroelectric power and energy where these purposes are appropriate. Later, fish and wildlife preservation and development was authorized to be included as a purpose in water projects. Only in recent years has it become evident that these water projects can and should help meet the greatly expanding need for outdoor recreation opportunities.

With our growing population and with more leisure time available, all indications are that this trend toward greater outdoor recreation activity will continue

in the years ahead. From the increasing millions that use our Federal reservoirs for outdoor recreation has come increased demand upon the Federal Government for fuller and more adequate development for outdoor recreation and fish and wildlife enhancement.

A difficult policy question which the Committee on Interior and Insular Affairs has regularly faced in the consideration of water projects has been that of determining to what extent and under what conditions the Federal Government should include recreation development as a part of such projects. During the last 10 years, this question has been dealt with in various ways in connection with individual project authorizations to the Bureau of Reclamation and to the Corps of Engineers. This has resulted in inconsistencies and inequities among projects and differences in agency procedures.

The fact that there was no consistent congressional policy on recreation in connection with Federal water projects prompted the Committee on Interior and Insular Affairs to undertake a study of this matter some 2 years ago. The result of this study and public hearings on the matter led to development of proposed legislation by the administration and consideration thereof last year. Although that legislation, H.R. 9032, was favorably reported by the committee, it was not enacted. It was, however, put into effect as administration policy. As a result of operating experience and the problems resulting therefrom and in the light of enactment last year of the Land and Water Conservation Fund Act, the administration recommended this year a new approach to this problem. This new approach is embodied in H.R. 5269, the bill before you today. While the committee rather extensively changed the language in the original bill, the principles and procedures recommended by the administration are substantially unchanged. The committee believes this legislation will assure that proper recreation development at Federal water resource projects is achieved on terms that are equitable to all interests that share in the costs and benefits of Federal multiple-purpose projects.

Mr. ROGERS, chairman of the subcommittee which handled this legislation, will discuss the provisions of H.R. 5269, so I shall take only 2 or 3 minutes to summarize what the legislation is intended to accomplish. As I already indicated, this is an administration measure which has developed at the request of, and in cooperation with, the Committee on Interior and Insular Affairs. I want to make it completely clear that it is not retroactive. Projects previously authorized with recreation and fish and wildlife development included on some other basis than provided in this bill will not be affected. With respect to projects authorized in the future for construction by the Department of the Interior and the Corps of Engineers, this legislation is intended to provide uniform rules for the treatment of recreation and fish and wildlife benefits and costs in connection with such projects.

Among the principal provisions of H.R. 5269 are these:

First. Full consideration shall be given to recreation and to fish and wildlife enhancement as project purposes in Federal water resources projects; general cost sharing and reimbursement policy for these purposes is established.

Second. Planning with respect to the recreational potential of any project is to be coordinated with existing and planned Federal, State, and local public recreation developments.

Third. Both non-Federal and Federal responsibilities with respect to the provision of outdoor recreation opportunities and fish and wildlife enhancement are to be recognized, and non-Federal administration of the recreation and fish and wildlife enhancement features of most Federal water projects is to be encouraged.

The legislation thus recognizes that on some projects Federal management for recreation and fish and wildlife enhancement purposes will be appropriate and, equally important, that on other projects the States or other non-Federal public bodies should have responsibility for managing Federal project land and water areas for these purposes.

Except in the case of those areas which have sufficient national significance to warrant Federal administration, the full potential of any Federal project for serving recreation and fish and wildlife enhancement will be developed only upon an agreement by a State or other non-Federal public body that it will administer the area and will advance or repay not less than half of the separable costs allocated to these purposes. Separable costs are those costs resulting from adding these purposes to the project such as additional reservoir capacity, additional lands and roads, parking, picnic, and camping areas, sanitary facilities, boat ramps, and so forth. If there is such an agreement, the Federal Government will bear the remainder of the separable costs and all of the joint costs allocated to recreation and fish and wildlife enhancement. If the States concerned or non-Federal public bodies are unwilling to participate as provided in this legislation, only minimum facilities for public health and safety will be built and the benefits and costs allocated to these purposes will be reduced accordingly.

In those instances where no agreement covering local administration can be reached at the time of construction, H.R. 5269 includes authority for acquiring lands needed for recreation and fish and wildlife enhancement and holding these lands for a 10-year period in order to preserve the project's full potential for these purposes. Should no agreement be reached during the 10-year period, the lands would have to be disposed of unless needed and used for some other lawful purpose.

Other provisions of H.R. 5269, which will be discussed by the gentleman from Texas [Mr. ROGERS], exempt certain projects from coverage by this act, require full coordination with other Federal programs, amend existing law to make it consistent with this legislation,

and authorize the acquisition of lands for the protection of migratory waterfowl in connection with Federal water projects.

H.R. 5269 also grants to the Secretary of the Interior general authority to develop the recreational and fish and wildlife potential of projects under his control including authority to construct facilities at existing projects where such authority does not now exist. This gives the Secretary of the Interior the same general authority which the Secretary of the Army now has with respect to water resources projects under his control.

H.R. 5269 is a general policy bill and the authorization for appropriations to implement this policy will be given in connection with project authorizations through the regular legislative process.

Mr. Chairman, at a time when this Nation's need for additional outdoor recreation opportunities is increasing very rapidly, the committee believes that this legislation will provide a sound basis for helping to meet this need. H.R. 5269 should be enacted.

Mr. SAYLOR. Mr. Chairman, I yield myself such time as I may require.

(Mr. SAYLOR asked and was given permission to revise and extend his remarks.)

Mr. SAYLOR. Mr. Chairman, as explained by the chairman of the full committee [Mr. ASPINALL] this is a technical bill. However, I would like to review a little history and background of what happened in prior sessions of the Congress. In the 87th Congress the Senate reported out a bill covering this same subject matter in which they placed an absolute maximum limitation of 15 percent on the amount that could be allocated to fish and wildlife and recreation benefits in any project. That bill was referred to the House of Representatives. No hearings were held. Then during the 88th Congress, as Mr. ASPINALL stated, we held hearings and at that time developed a formula. That formula was based upon the amount of money that a project would cost. The committee was almost unanimous in its support of that legislation.

It is important to note that the highest percentage that we ever accepted in that bill for allocation to fish and wildlife was 25 percent.

Now, Mr. Chairman, the agencies downtown did not like either the bill—reported out by the other body under the auspices of the late Senator Kerr—and they did not like the bill reported out of our committee under the auspices of the chairman of our committee, the gentleman from Colorado [Mr. ASPINALL].

Mr. Chairman, Mr. ASPINALL reintroduced in this session of Congress that same bill which we reported out last year. I believe the number of that bill if I remember correctly was H.R. 59.

When the administration downtown received the request for a report on that bill they sent up a new bill, which is basically the bill that we have pending before us.

Mr. Chairman, I am going to support this piece of legislation because it is bet-

ter than no bill at all which is the manner the departments have been operating.

However, I want to be on record pointing out some of the things that are contained in this bill that are going to rise to haunt this Congress and the succeeding Congresses.

This bill now provides that you may allocate up to not more than 50 percent of the total project for fish and wildlife and recreation benefits.

This is the major danger, emphasized so succinctly by Deputy Director of the Bureau of the Budget Staats in his testimony before, the subcommittee on March 4, and I pay tribute to his ability and sincerity—page 19—that “large write off of project costs” are possible under the bill and that this “calls for great care in the calculation of benefits and allocation of costs.” Yet, the bill contains no safeguards in this respect. Our past experience with distorted cost allocations gives us no assurance that such “great care” will be exercised in the administration of the bill. Certainly some outside limits, at least, are called for and justified. Opposition to such limits would mean only that our greatest fears would become realities if such provisions are absent. With all joint costs of recreation and fish and wildlife enhancement being borne by the Federal Government it would require only a minimum of imagination for a planner to devise a project where the major portion of the cost of a project could be “written off” to these nonreimbursable purposes. In fact our own staff engineer, Mr. Sid McFarland, during the hearings—page 56 of the transcript—asked Mr. Staats, whether under the bill you could not have just such a project, one that is essentially for recreation or fish and wildlife. I think it is essential that the bill contain restrictions to prevent such abuse of the purposes of the bill. If a recreation and fish and wildlife enhancement project is fully justified it should be presented and authorized on its own merits as such and not camouflaged under the umbrella of a navigation, irrigation or flood control project.

I would not want my remarks today to be interpreted as meaning that I am opposed to recreation and fish and wildlife. On the contrary, I am one of the most ardent proponents of such programs. I cherish greatly the citation I received jointly with our distinguished chairman, WAYNE ASPINALL, from the National Wildlife Federation on March 6, 1965, as “Conservationist of the Year.” It is because I have such a strong personal interest in the strengthening and expansion of such programs that I would not want to see them get a bad name by unsound and premature proposals that have not been adequately studied and developed and which may have other motives. I fear that it is not the conservationists who are the true sponsors of this bill, but the construction agencies whose primary objective is to provide a vehicle and a screen for showing justification of projects which would not meet sound standards of evaluation.

Another that is very serious is that there are a lot of definitions contained

in this bill. Our committee counsel says they mean one thing and Mr. Staats, who came up as the Deputy Director of the Bureau of the Budget, was asked what these things meant and he gave an entirely different definition.

Mr. Chairman, I believe the disagreements are so widespread that instead of helping to solve the problem, they may add more confusion than we have ever had in trying to get projects authorized.

Although examples of ambiguity, disagreement, complete ignorance of what the bill would do, and of lack of specificity seems to arise throughout the entire bill, I shall try to give you some concrete examples.

First. Definitions: Our able engineer staff member, Mr. Sid McFarland, was called by the committee chairman, my distinguished colleague, WAYNE ASPINALL, at the beginning of the subcommittee hearings on March 4, to explain and define what is meant by "separable costs," "incremental costs," and "joint costs." Here is what Mr. McFarland said, and I quote—see pages 10 and 11 of transcript:

If we can use a reservoir project as an example, Mr. Chairman, "separable costs" to power would be the powerplant itself, the penstocks and transmission facilities, and so forth, that serve only power. The separate costs to recreation, let's say, would be the cost of the additional land needed for recreation, the cost of parking areas, access roads, picnic areas, boat ramps, and that sort of thing that serve only recreation.

"Incremental cost"—we can take a purpose. We can take a project, again a reservoir, and take the cost of the project with and without a purpose, a particular purpose, say, with or without irrigation. The incremental cost would be the (difference in) cost of the project, the entire project, and the cost of the project with irrigation out.

"Joint cost"—the best example, of course, is the reservoir, the reservoir and dam, which, of course, serves power—you need the power head. It serves flood control because it stores water, withholds water to control the floods. It serves irrigation and municipal water by storing water needed for those purposes. It also serves recreation and fish and wildlife.

In other words, Mr. McFarland says joint costs are those for facilities which serve more than one purpose.

I agree with Mr. McFarland's definitions and believe they represent the traditional understanding of those terms. Furthermore, Mr. Staats' definitions as contained in his testimony on March 4 agree with those of Mr. McFarland—see pages 16 and 17 of transcript.

Now, let's see what H.R. 5269 says.

SEC. 8. As used in this Act—

(a) * * *.

(b) * * *.

(c) The term "separable costs" shall mean the cost for each project purpose which is the difference between the cost of the multiple-purpose project and the cost of the project with the purpose omitted.

(d) The term "joint costs" shall mean the difference between the cost of the multiple-purpose project as a whole and the total of the separable costs for all project purposes.

These definitions in H.R. 5269, as you can see, are different from those given by McFarland and Mr. Staats and generally understood in the profession. In fact, H.R. 5269 definition of "separable costs" is exactly what Mr. McFarland

calls "Incremental Costs." Granted that in some cases, as Mr. McFarland recognized, they may come out the same, in many cases they will be substantially different. Are we to now change the understanding of what is a "separable cost?" And, if so, since all of H.R. 5269 would be based on a new definition of separable costs what would it do to the long established analysis and evaluation procedure? Obviously, all of this needs to be clarified and fully elaborated and the new path clearly delineated and understood by the agencies before the Congress is ready to so stipulate in statute.

Also, since joint costs as defined in H.R. 5269 are merely the arithmetical difference between the total cost and separable cost—a neat way of avoiding difficult calculations and sweeping the matter under the rug in one fell swoop—and is different from Mr. McFarland's definition, the same comments would apply.

Second. In the March 4, 1965 hearings—pages 51 and 52 of transcript—in answer to a question from Congressman REINECKE as to whether an equal partnership for recreation and fish and wildlife enhancement would be established under the bill, Deputy Director of the Bureau of the Budget Elmer B. Staats said:

No. The primary purpose of the development of a reservoir would be power or flood control or some basic purpose.

He didn't think there was any shifting of policy "where everything was on an equal status."

Yet, Assistant Secretary of the Interior Kenneth Holum in his testimony on March 5—see pages 110, 111, and 157—had this to say and I quote:

H.R. 5269 would set out the standards for the reimbursement of recreation as a full fledged partner of multipurpose resource development. In essence the bill provides that the benefits and costs of recreation and fish and wildlife enhancement purposes shall be taken into account on a par with other purposes in formulating and evaluating Federal water projects and, under this act, and I think this is very important, recreation does become a full and equal partner in multipurpose water resource development.

Here we have two executive branch agencies who will be primarily, intimately and deeply concerned with the implementation of H.R. 5269 having diametrically opposed views as to the application of the bill. If they do not even agree, how are we or anyone else to know what the bill does?

Obviously these things should have been clearly defined and fully elaborated and understood by the agencies before being included under this new statute.

Third. Interest rates for repayment of non-Federal share of costs. Section 2 (b) states that the rate of interest shall be comparable to that for other interest-bearing functions of Federal water resource projects but these vary all over the lot and have ranged from 2 to 5 percent. Most Corps of Engineers projects now use 2½ percent—when it is paid. For the regular Bureau of Reclamation program it is usually 3 percent. Boulder Canyon now pays 3 percent; Colorado River storage project pays 3.14 percent;

TVA will pay 3.66 percent in 1965. In congressional consideration of the Small Reclamation Project Act, the Federal agencies, Budget, Interior, GAO, Treasury all said that average market yields were the only true measure of the cost of money. Such yields have been and are now about 4½ percent. Is this what the provision says?

What is wanted? What is intended? Was the language deliberately written the way it was to permit wide latitude and discretion to favor some projects and to penalize others? I would hope not, but the danger is obviously present.

I just point some of these things out to show in the future this bill is going to rise to haunt the Members of the Committee because it came up from the administration and it gives the administrative agencies complete control when they analyze a project.

Mr. ASPINALL. Mr. Chairman, will my friend, the gentleman from Pennsylvania, yield to me?

Mr. SAYLOR. I am happy to yield to the chairman of the full committee.

Mr. ASPINALL. I did not refer to any partisan approach to this when I said that the bill had been recommended by the administration because it so happens that this legislation was worked on in the Committee on Interior and Insular Affairs of the House of Representatives, trying to arrive at a uniform formula for these projects.

But referring to the question of the interest, I know my friend will agree with me when I say I am sure he does not want to mislead the members of the committee and I would point out that we have used language which is in the 1958 Water Facilities Act and since we use that language, the interest rate will necessarily vary. If the interest rate to be paid in order to obtain money at the time construction take place is higher, then we will have to pay a higher rate of interest. On the other hand, if the money market is such that the interest rate is lower, then the projects pay a lower rate of interest. That is the reason for these fluctuations; is that not a correct statement?

Mr. SAYLOR. First let me say to my colleague, I hope that my approach in the beginning indicated that it was not a partisan approach because I tried to give credit to the chairman of the full committee, the gentleman from Colorado [Mr. ASPINALL], for the job I think he did last year and the job that the committee did. With due deference to the agencies downtown, I still believe that the bill we reported last year was a better bill and one which could work to greater benefit for more projects than the bill that we are now considering. But I was overruled and so, since this is at least a bill to place some limitations on the executive agencies, I am going to support it even though I lost out in the committee.

Mr. ASPINALL. Let me say I know the fairness of my friend. The gentleman is making legislative history and I think it is most worthwhile. But the thing I do not want to have happen, however, is to put any connotation upon the preparation of this legislation that

should not be placed upon it. This bill originally came out of the Committee on Interior and Insular Affairs and we tried to arrive at some sort of formula that we could use and work on all water resource projects.

Last year we ran into trouble with the Department of Defense, did we not?

Mr. SAYLOR. That is correct.

Mr. ASPINALL. The Bureau of the Budget is somewhat of a clearinghouse. It was because of this opposition, which we ran into, with one extreme represented on one side and the other extreme our committee, that we have come to this more or less middle of the road approach. Perhaps it is not as close to the middle of the road as my friend would like to have it.

I would say that is the reason why we have had to consider the objections of the other department of government. Is that correct?

Mr. SAYLOR. That is correct.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I do not know who wrote the bill. I am in doubt now as to where the bill was written.

I do know that on page 21 of the bill, beginning on line 3, running through the remainder of that page and over to line 5 on page 22, there is one sentence which totals about 225 words. I have been reading that and trying to make some sense out of it, but I do not believe one can put 225 words in one sentence without getting something pretty well goofed up.

Before this debate is over I want somebody to explain to me what that 225-word sentence means.

Mr. ASPINALL. Mr. Chairman, will my friend from Pennsylvania yield?

Mr. SAYLOR. I am happy to yield to the chairman of the committee.

Mr. ASPINALL. This was the language found to be necessary. So far as the form is concerned, if my friend from Iowa can improve upon it, that will be all right, but I doubt that we can improve upon it much. It gives to the Secretary of the Interior the same authority which the Secretary of Defense has at the present time on the question of studying and recommending recreation projects on the water projects heretofore authorized.

Mr. GROSS. I do not know how one can read it and find a period to catch his breath when reading it.

Mr. ASPINALL. I do not believe it is a matter of breathing, I say to my friend; I believe it is just a question of following through.

Mr. GROSS. Following through. Very well.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Missouri.

Mr. HALL. I am vitally interested in this bill not only as a member of the Committee on Armed Services but also because of the ring around my hometown and my district and my State, overlapping another State, of Corps of Engineers-constructed, nonrecreation, simple power and flood control impoundments and many buildings.

I should like to have a little development of the difficulty which occurred last year between the Secretary of Defense and the Secretary of the Interior and how we finally came to the middle of the road, or one side or the other of the middle of the road, on an agreement wherein the Congress now, based on fishing and recreation and wildlife protection, comes forward to work its will with a minimum of debate, and so forth, acting with the wisdom of Solomon and saying that this will all be in the hands of the Secretary of the Interior. In developing that, I hope the gentleman or the distinguished chairman of the Committee on Interior and Insular Affairs will go into such questions as whether this will make the land, water, and recreational use fund, voted last year, applicable to all Corps of Engineers reservoirs and impoundments, or only to those which are feasible, as stated in that law, or not controlled by municipalities. Will this take over the Forest Service acreages allocated on the shores of such impoundments for recreational use and put them under the Secretary of the Interior instead of the Secretary of Agriculture and the Director of the Forest Service?

It seems to me this is quite a grab in one lump, based on certainly an important part, but not always the most important part, of impoundments in areas of high topography and high terrain.

Mr. SAYLOR. I might say to my colleague that last year, when the House Committee on Interior and Insular Affairs was discussing similar legislation, a question came up as to the amount of joint costs of a project which could properly be allocated to recreation and to fish and wildlife enhancement. At that time we established in that bill a formula which said that if the costs of a joint-use land facility were not over \$10 million, then 25 percent of the cost of the joint-use land facility could be charged to fish and wildlife and to recreation; over \$10 million but not over \$40 million, \$2.5 million plus 15 percent of the amount over \$10 million; from \$40 million to \$100 million, \$7 million plus 10 percent of the amount over \$40 million; from \$100 million to \$200 million, \$13 million plus 4 percent of the amount over \$100 million; and over \$200 million, \$17 million plus 2 percent of the amount over \$200 million.

Mr. HALL. That is the percent which could be allocated to fish and wildlife and recreation?

Mr. SAYLOR. That is correct. It was at this point that the Corps of Engineers said "no."

This is where we ran into difficulty last year with the Department of Defense.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I will be glad to yield to the distinguished chairman of the committee.

Mr. ASPINALL. Last year the formula was considered on the complete cost of the project, I may say to my friend from Missouri. This placed some of the supporters of the Corps of Engineers in the position that they felt it was not quite equitable to their operation.

This year we made it on the benefits of fish and wildlife and recreation involved rather than on the size of the project itself. If I may say so, that is the reason why the Corps of Engineers now says they can support this legislation. As my friend from Pennsylvania has stated, there is one limitation involved. Any project where the joint costs and separable costs for fish and wildlife and recreation amount in toto to 50 percent or over such project cannot be considered as a reclamation project but must be considered as a recreation project. As an example: Something like the Whiskeytown or Delaware Valley recreation areas which will shortly be before the House. The policy which we state in this legislation is the meeting place where the Army Engineers and the Bureau of Reclamation come into agreement.

Mr. HALL. That is fine, and I appreciate both the statements from the gentleman in the well, who yielded to the chairman of the committee and myself. I think I understand the determination of the ratios. While the gentleman is on his feet, if he will yield further, I would like to know if the statement you made about this not being retroactive also applies to the cost determined in case this legislation should pass. In other words, in the case of this Corps of Engineers flood control and power project I am speaking of, which has \$142 million overall authorized and started.

Mr. SAYLOR. This bill will not apply to any project which has already been authorized for construction by the Corps of Engineers or by the Bureau of Reclamation, the authorization of which is now on the books, whether or not construction has begun.

Mr. HALL. But suppose there are in this same impoundment subsequent upstream wildlife authorizations? Would this apply to that?

Mr. SAYLOR. Then it would apply, because this must be a new authorization for a new project.

Mr. ASPINALL. Will the gentleman from Pennsylvania yield further to me?

Mr. SAYLOR. Yes. I yield to the chairman.

Mr. ASPINALL. The ultimate decision, if I may say to my friend from Missouri, is in the Congress. The policy set forth in this liquidation is to be followed in the presentation to the Congress of the project involved. However, if equity should seem to determine we should make an exception, then, of course, Congress always has that authority.

Mr. HALL. If the gentleman will yield further, I have two other questions while we are on our feet, and we can wind this all up.

Mr. SAYLOR. I yield to the gentleman.

Mr. HALL. The statement of the Chief of Engineers or the Director of Civil Works for the Corps of Engineers, Department of the Army, is in here. I am presuming that that carries with it the weight and approval of the Secretary of the Army as well as the Secretary of Defense. Is that a correct assumption?

Mr. SAYLOR. This is a fair assumption.

Mr. ASPINALL. Will my colleague yield further?

Mr. SAYLOR. I yield to the chairman.

Mr. ASPINALL. In this respect may I say to my friend from Missouri, in our last bill we had the Secretary of Defense with us, but we did not have the Secretary of the Army. That is where we got into some difficulties.

Mr. HALL. I am knowledgeable about that, and that is one of the reasons why I want to make this legislative history and be reassured by the gentleman in the well and the chairman of the committee that someone has not done a snow job or a compromise job by a lesser Federal functionary, perhaps, than the Secretaries themselves, after they have given it due thought and due consideration. I think that has been well established, and we are in agreement on that.

At this point, I would like to insert in the RECORD a resolution passed by the Southeastern Association of Game & Fish Commissioners on April 5, and sent to me by the director of the Missouri Conservation Commission.

Whereas the Federal Water Projects Recreation Act (S. 1229; H.R. 5269), if passed, will have great impact upon State recreation and fish and wildlife programs; and

Whereas this proposed law, while purported to offer attractive opportunities for recreation and fish and wildlife enhancement on Federal water projects, requires the separate States to assume certain financial responsibilities under the act for recreation and fish and wildlife enhancement at each project when, in fact, the general public of several States will be the beneficiaries of these enhancement measures; and

Whereas few examples of the application of the cost-sharing formula have been disclosed and, therefore, the States have not had an opportunity to review the effects of this proposal on local projects being planned; and

Whereas on the few projects where the local share of recreational costs have been calculated and made known, the costs are prohibitive and greatly in excess of the ability of non-Federal interests to pay: Now, therefore, be it

Resolved, That the Southeastern Association of Game and Fish Commissioners, assembled at Atlanta, Ga., on April 5, 1965, expresses grave concern over this legislation and requests that congressional approval be delayed until there has been sufficient time to review its effects on proposed reservoir development; and be it further

Resolved, That copies of this resolution be forwarded to the Secretary of the Interior, the Secretary of Defense, the U.S. Budget Director, the International Association of Game, Fish and Conservation Commissioners, and by the Southeastern Association State Game and Fish Directors to their respective congressional representatives.

Finally, as I started to say a while ago, on the question of ratios and money matters and determining who will be in control, I think I have grasped that with the good explanation that you have given. However, I would like to know who still has control of the dam which is a Federal impoundment as far as deciding what water levels are concerned. Suppose we pull down the water because of the needs of power or the anticipated relief for flood control, below the

level of the duck ponds that are going to be built under this or the fishing bayous to be created. Does the Corps of Engineers still control that in line with the agreement by the people or will, under this new bill, the Secretary of the Interior have carte blanche over all new areas used for recreation?

Mr. SAYLOR. I may say to my colleague that the Corps of Engineers' project authorized for construction by the corps and built by the corps and managed by the corps will continue to be under the jurisdiction of the corps. Projects authorized by the Congress for the Bureau of Reclamation and the Secretary of the Interior will be under the jurisdiction of the Secretary of the Interior. In matters where the Corps of Engineers turned over to the Bureau of Reclamation projects which they have constructed, the agreement for the turning over of those projects, would be controlling.

Mr. HALL. The gentleman well knows, of course, that at the present time there are under discussion joint ventures between the corps and the Secretary of the Interior or his designee along such lines, and projects under consideration by this Congress and the Committee on Appropriations at this time have in fact started but supplemental developments are in the ratio stage of discussion to determine whether or not they are feasible. The agreement itself, as I understand from the gentleman, will then prevail, according to the individual project.

Mr. SAYLOR. That is correct.

Mr. HALL. The Corps of Engineers will still control floods and power production under the SPA, in my case, and the BPA in the Northwest, and so forth?

Mr. SAYLOR. That is correct. I want to say that I have said some bad things about this bill but there are some good things. One of the reasons I am going to support this is that it calls for an agreement with the local community for assumption of 50 percent of the separable costs; and this, I think, is an excellent feature because one of the real things we are trying to do is to get recreation back into the hands of the local people.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield to me?

Mr. SAYLOR. I yield to the chairman of the committee.

Mr. ASPINALL. This is in conformity with the policy recommended by the Outdoor Recreation Resources Review Commission of which the gentleman from Pennsylvania was a member throughout its history; is that correct?

Mr. SAYLOR. That is correct. This is one of the really good features in this bill.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield.

Mr. DUNCAN of Oregon. Apropos the discussion we have just had I understand there are no retroactive features in this bill except it does give the Secretary of the Interior the same authority that the Corps of Engineers has had to develop recreational facilities and reservoirs already under construction.

Mr. SAYLOR. That is correct.

Mr. DUNCAN of Oregon. And the costs of these additional recreational developments and presently existing reservoirs would be under the cost-sharing provision, would it not?

Mr. SAYLOR. That is correct.

Mr. DUNCAN of Oregon. And it would in no way permit any modification of existing contracts or existing cost allocations already in the law and in the contracts as far as that development is concerned?

Mr. SAYLOR. That is true; the gentleman is correct. This cannot affect any projects already authorized and constructed or authorized and yet to be constructed.

Mr. DUNCAN of Oregon. For example, any water-user contracts entered into for existing projects by the Bureau of Reclamation would not be impaired in any way?

Mr. SAYLOR. Would not be impaired in any manner at all.

Mr. DUNCAN of Oregon. I thank the gentleman.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield.

Mr. NELSEN. I note by the bill that with reference to recreation facilities the purpose is to rehabilitate or construct recreational facilities. As an example, in my district we have many of our lakes that were formerly great recreational facilities, but silting and what-have-you have developed, as well as improper land management in some cases, and in several instances I have had a request to do something about this to rehabilitate or reconstruct this particular recreational facility. How would a lake such as this which is under State domain be treated under the bill?

Mr. SAYLOR. This would not come under this bill at all. Anything that had been built by the State or already constructed would not be affected by this bill.

Mr. NELSEN. As far as anything new to be constructed is concerned, it would apply?

Mr. SAYLOR. It would apply to newly authorized projects. One of the reasons I shall support this legislation is that in the last analysis Congress itself, in each individual bill that is being considered, will have the last determination as to whether or not the project should be authorized.

Mr. NELSEN. I thank the gentleman.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield to me once more?

Mr. SAYLOR. I yield to the chairman of the committee.

Mr. ASPINALL. Would my colleague agree with me that the projects that have been authorized by Congress for flood control and reclamation since, say, 1948 or 1949 would qualify under this particular legislation?

Mr. SAYLOR. That is correct. There is no project that has been authorized in the last nine Congresses that would not have qualified for authorization under this bill.

Mr. ROGERS of Texas. Mr. Chairman, I yield myself such time as I may consume.

(Mr. ROGERS of Texas asked and was given permission to revise and extend his remarks.)

Mr. ROGERS of Texas. Mr. Chairman, I want to thank the chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL], for his fine explanation of this measure and also thank the gentleman from Pennsylvania [Mr. SAYLOR], the ranking minority member on the Committee on Interior and Insular Affairs, for his splendid contribution.

Section 1 of the bill states the congressional policy that shall hereafter be applicable when outdoor recreation or fish and wildlife enhancement, or both, are included as purposes in Federal water projects. It places these purposes on an equal footing with other project purposes and requires that full consideration be given to them in the planning and development of water projects of the Department of the Interior and the Corps of Engineers. The policy statement recognizes that the task of providing outdoor recreation opportunities to meet the Nation's expanding needs is not a Federal responsibility alone but that State and local governments and local public agencies also have responsibilities. Non-Federal administration of the recreation and fish and wildlife enhancement features of most Federal water projects is to be encouraged, and the full potential of projects serving these purposes will not be developed unless there is agreement with the State or a local non-Federal public body covering administration and cost sharing.

Areas considered appropriate for Federal administration include national recreation areas, areas which are part of the national forest system, and areas administered under an authorized Federal program for the conservation and development of fish and wildlife.

Section 2 sets out the requirements that must be met in connection with the agreement for local administration if there is to be full development for recreation and fish and wildlife enhancement. Except for those projects where Federal administration of recreation and fish and wildlife enhancement facilities is determined to be warranted, such agreement must be executed before construction is started. One or more non-Federal public bodies can participate in administering the area for recreation or fish and wildlife enhancement. They must agree to advance or repay not less than half the separable costs allocated to these purposes which are the costs of additional reservoir capacity, additional lands and roads, parking, picnic and camping areas, sanitary facilities, and boat ramps. Unless there is such an agreement, only those facilities necessary for public health and safety will be constructed and such facilities as roads and parking areas, picnicking, swimming, and camping areas or facilities would not be provided. If agreement can be reached on local administration and cost sharing, then the Federal Government will bear the remainder of the separable costs and all of the joint

costs allocated to recreation and fish and wildlife enhancement. The amount required from the participating public body can be paid in cash or in lands or facilities or can be repaid with interest under a long-term contract not exceeding 50 years. Under this latter arrangement, the State or other public body could establish entrance or user fees as a source of revenue to meet its obligation if it wishes to do so.

It should be pointed out that, in the absence of an agreement for participation by a State or non-Federal public body, the use of the reservoir for outdoor recreation purposes will be limited and this, in turn, will reduce the benefits and the costs which can be allocated to these purposes.

H.R. 5269 makes provision in section 3 for preserving a project's full potential for recreation and fish and wildlife for a 10-year period even though there is no agreement on local participation.

This is accomplished by authorizing the acquisition of lands needed for these purposes at the time of project construction. If during the 10-year period, a non-Federal public body agrees to administer the project for recreation and fish and wildlife purposes and share in the costs, the facilities may be constructed and along with the lands may be leased to such public body. If, on the other hand, there is no agreement by the end of the 10-year period, the lands must be used for some other justified and authorized purpose, transferred to another Federal agency, leased to a public body or disposed of as surplus property. The use of the lands in these circumstances must not be in conflict with project purposes and preference is given to purposes which would promote the recreation and fish and wildlife potential of the project.

To encourage non-Federal administration of recreation and fish and wildlife enhancement features at the existing projects, section 4 authorizes Federal agencies to lease these facilities and appropriate project lands to non-Federal public bodies, and section 5 provides authority for incremental or subsequent development for these purposes at existing projects by non-Federal public bodies. Financial assistance for such development can be provided under the Land and Water Conservation Fund Act.

Section 6 includes several provisions that are desirable or necessary for implementing this new congressional policy. Subsection 6(a) requires all Federal water project reports submitted to Congress include the views of the Secretary of the Interior developed in accordance with Organic Act of the Bureau of Outdoor Recreation. Subsection 6(b) amends the Fish and Wildlife Coordination Act in certain respects to make it consistent with this legislation. Subsection 6(c) places a limitation of \$28 million on water resource project funds that may be expended for land acquisition for wildlife refuges.

This authority is needed where migratory waterfowl refuges are developed in connection with water projects. It al-

leviates the very difficult problems which arise when two different agencies—the project construction agency and the Bureau of Sport Fisheries and Wildlife—attempt to purchase similar lands in the same areas, each using its own appraisers, each utilizing its own authority, and each having its own appropriated funds. Subsection 6(d) provides that this bill should not apply to the Tennessee Valley Authority or to projects constructed under the authority of the Small Reclamation Projects Act or the Watershed Protection and Flood Prevention Act. The Tennessee Valley Authority already has adequate authority for recreation and fish and wildlife enhancement and has heretofore followed a policy which has worked out very well whereby lands adjacent to reservoirs are transferred to non-Federal bodies for recreation development and management. The small reclamation and watershed projects are local in character rather than Federal. Local people decide the purposes which they should serve and local people construct and administer them. Subsection 6(e) excludes other types of projects such as local nonreservoir flood control, beach erosion control, small boat harbors, and hurricane protection projects, which are not appropriate for cost sharing under the provisions of H.R. 5269. Subsection 6(f) makes it clear that entrance, admission and recreation user fees are not prohibited by use of the term “nonreimbursable.” Subsection 6(g) provides that projects covered by a local agreement will not be considered in connection with determinations under subsection 6(2a) of the Land and Water Conservation Fund Act because Federal recreation fees will not be charged at these projects. Subsection 6(h) provides that all moneys received under the terms of this legislation shall be deposited in the miscellaneous receipts of the Treasury.

Section 7 of H.R. 5269 grants to the Secretary of the Interior general authority to develop the recreational potential of projects under his control including authority to construct recreation facilities at existing projects where such authority does not now exist. The Secretary of the Army presently has such authority for projects under his control but the Secretary of the Interior has only piecemeal authority for certain individual projects. With respect to development of existing projects, the Secretary must submit the recreation plan to the Congress and development funds cannot be appropriated until after the appropriate committees have had 60 days to review such plan, and then only if neither committee disapproves the plan.

Subsection 7(b) authorizes the Secretary of the Interior to enter into agreements with Federal, State, or local public bodies for the administration of recreation and fish and wildlife developments. Title to the lands, however, would remain in the Federal Government. In addition, subsection 7(c) provides for the transfer of lands between agencies in order to make the best and

most efficient use of them for recreation purposes.

Section 8 provides that projects in which the sum of the allocation to recreation and fish and wildlife enhancement exceed the sum of the allocations to other project purposes shall not be recommended for authorization and construction under the Federal reclamation laws or under the flood control acts. Such projects should be recommended as an outdoor recreation project.

Section 9 defines certain terms used in the bill and section 10 makes it clear that any fees or charges for the use of recreation and fish and wildlife areas at water projects shall be credited to land and water conservation fund and not go into special funds such as the reclamation fund.

Mr. Chairman, I believe that H.R. 5269, as amended by the committee, provides the policy guidance needed to assure proper outdoor recreation development and use at Federal water projects on terms that are equitable to the Federal Government, to the States or other non-Federal bodies involved, and to the American people who will use the areas for their enjoyment. The committee highly recommends that H.R. 5269 be given your approval.

Mr. PIKE. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Texas. I would be glad to yield to my distinguished friend from New York.

Mr. PIKE. Mr. Chairman, would the gentleman clarify one point for me? I note that when you state the policy of the Congress here you are quite concise and specific in discussing the considerations, and full consideration, as to where there are opportunities for enhancement of outdoor recreation and for fish and wildlife enhancement. But would it not be appropriate to also provide in this legislation full consideration of any risk of damage to existing fish and wildlife resources or risk of damage to the existing recreation facilities, as a statement of policy?

Mr. ROGERS of Texas. Let me say to the gentleman from New York that I think his point is very well taken. However, I believe that the part of the consideration to which he refers is actually an integral part of the question of enhancement in the first instance. I think this is a matter that is supposed to be considered in depth by the department proposing the project in the first instance.

Let me say to the gentleman that the time in my opinion for this matter to be brought out in detail would be at the time a particular project is presented to the Congress and debated because the committees of Congress will have the final determination as to what is done with each of these projects. I know that the question of damage to fish and wildlife has caused quite a bit of concern, but it varies with the different projects. I believe each project should be taken up separately.

Mr. PIKE. If the gentleman will yield further, I want to assure the gentleman that I thank him for this explanation and assure him that I have no thought

of offering an amendment to the bill. I am simply concerned lest the language indicate in some manner that the only thing that could be considered was the possibility of enhancement of recreation or conservation resources, but that no consideration might be given to the probability that a new project, say a dredging project, might destroy wetlands and shellfish grounds, or actually damage existing recreation or conservation resources.

Let me say further to the gentleman from New York, I am sure the Committee on Public Works in handling these projects, goes into this matter. But I certainly can speak firsthand for the Committee on Interior and Insular Affairs and say this is a facet of the overall problem that we go into very deeply on each of the projects that comes before our committee and our subcommittee.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Texas. I yield to the gentleman.

Mr. ASPINALL. I have asked the gentleman to yield, because I wish to add to the answer given to the gentleman from New York. This does not interfere with the operations of the Fish and Wildlife Coordination Act except in two particulars and what my friend, the gentleman from New York, brings up is not involved in those two particulars. The destruction of any fish and wildlife values by reason of a proposed construction of a project is always taken into consideration under the provisions of the parent act.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Texas. I yield.

Mr. DUNCAN of Oregon. I have asked the gentleman to yield for the purpose of pursuing this same subject. Do I understand that now, under this bill, we have repealed, or we do repeal, that part of the Fish and Wildlife Coordination Act that makes the mitigation of damage to an existing wildlife resource nonreimbursable?

Mr. ROGERS of Texas. Yes, that is right.

Mr. DUNCAN of Oregon. So that the mitigation of damage to any existing resource would now be distributed as a joint cost to all other functions of a reservoir?

Mr. ROGERS of Texas. That is right.

Mr. DUNCAN of Oregon. And it would be reimbursable or nonreimbursable depending upon the particular purpose to which it was attributable; is that correct?

Mr. ROGERS of Texas. That is correct.

Mr. DUNCAN of Oregon. And the water users, for instance, in a reclamation project, are already assessed as to the cost to the extent that they are reasonably able to repay for all the water they take from a reservoir? Is it not true in most instances that water users are not paying the entire cost but there is an additional factor beyond their ability to repay that is usually charged off to power revenues or some such other source?

Mr. ROGERS of Texas. Yes; of course it depends upon each particular

project. Of course the gentleman understands that.

Mr. DUNCAN of Oregon. Yes, I understand that.

Mr. ROGERS of Texas. But the gentleman used the word "usually" and said that it is usually done that way. I would say that that word probably would be incorrect or improper—but it is not unusual for this to be done.

Mr. DUNCAN of Oregon. Now, then, the thing that disturbs me and the people in my particular section of the country is when we get an enhancement of a fish and wildlife benefit, I understand that it would not necessarily be a uniform rule that all enhancement to an existing fish resource, for example, would necessarily be charged up to the recreational development, subject to a 50-percent cost sharing by the local unit of government. If I might explain what I have in mind, I can conceive, for example, if a reservoir enhanced the value of local fish resources of trout, domestic trout, for instance, this would be a proper area for cost sharing. But I can also conceive, particularly in my section of the country, of a migratory fish resource of, for example salmon or steelhead, where the benefits from enhancement go far beyond the local community's ability to pay, ought really not to be charged up to that local community.

As I read through the report of the committee, I notice particularly in Mr. Staats' statement, he mentions on page 18 of the report that the water resources agencies may, in some instances, recommend departure from the general policy. I wonder if the committee has in mind this particular problem that I am discussing; namely, the enhancement of migratory fish resources?

Mr. ROGERS of Texas. Yes; exactly. And let me say to the gentleman from Oregon that this matter was discussed thoroughly in the debate on this bill in the subcommittee, and also was referred to in the full committee when the bill had been reported. I think the gentleman is exactly right. I would call to his attention that this bill, in fixing policy, does not delegate powers away from the Congress on any of these future projects. These projects are going to be before the Congress and before our committee, and I can assure the gentleman this particular facet of the problem will be taken into consideration in any proposals made by the Department of the Interior with regard to reclamation projects in the future as it certainly has been in the past.

Mr. DUNCAN of Oregon. So I can advise my constituents that full recognition of the national feature of the enhancement of a migratory fish resource will be taken into consideration by the committee in allocating these costs?

Mr. ROGERS of Texas. The gentleman can advise his constituents that the gentleman from Texas will protect them in any situation where such protection is justified.

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield for one further question?

Mr. ROGERS of Texas. I am happy to yield to the gentleman.

Mr. DUNCAN of Oregon. In connection with the cost-of-sharing provision of the recreational developments, do I understand it is optional with the local units of government as to whether or not they will participate in the 50-percent share of the development of these recreational facilities?

Mr. ROGERS of Texas. Yes, it is optional. But let me make this clear, and I think this is a matter that ought to be thoroughly clear in everyone's mind. If they do not want to go into this at the time the project is built, or cannot go into it because of their credit situation or because of the lack of money, then land requirements necessary and approved by the Congress as being a part of the potential recreational development may be acquired when the project is built. The community then has a period of 10 years within which they can come in and meet the requirements of this measure and develop a recreational project. If they did not meet the requirements, of course, that matter would have to be handled.

Mr. DUNCAN of Oregon. A project feasible without recourse to the fish and wildlife and recreational enhancement, subject to the cost sharing, would not be delayed in any way by passage of this bill?

Mr. ROGERS of Texas. That is correct.

Mr. DUNCAN of Oregon. I further understand that all projects in the last 9 years were feasible economically and engineeringly without recourse to these benefits.

Mr. ROGERS of Texas. That is correct.

Mr. DUNCAN of Oregon. Do I correctly understand that the local cost sharing could come from user fees imposed by the local unit of Government as a part of the management of the recreational development?

Mr. ROGERS of Texas. Yes; that is, in the event that the area is taken over by local management.

Mr. DUNCAN of Oregon. Yes.

Mr. ROGERS of Texas. We must understand that there are certain situations in which these areas will be controlled by the National Park Service or by a Federal agency. In those cases the local communities would not have any such right.

Mr. DUNCAN of Oregon. Is there anything in this bill which would prohibit the local unit of Government from using its share of revenues allocated to the State from the land and water conservation fund bill to fulfill its obligations under this bill?

Mr. ROGERS of Texas. No; I would not think so.

Mr. DUNCAN of Oregon. Is the agreement to share 50 percent a mandatory one? Must it be fulfilled regardless of from what source the moneys might come?

Mr. ROGERS of Texas. Yes.

Mr. DUNCAN of Oregon. They could not enter into an agreement to repay their 50-percent share to the extent that the user fees in that development provided sufficient money?

Mr. ROGERS of Texas. No; they could not. It must be a firm obligation either in money or perhaps land. They could contribute the land or could work out an installment plan and use the user fees to make installment payments over a 50-year period.

Mr. DUNCAN of Oregon. Do I correctly understand that the whole plan may be reviewed every 5 years?

Mr. ROGERS of Texas. Yes.

Mr. DUNCAN of Oregon. There is nothing to prohibit them from taking the general land and water conservation fund allocated to that State and using those funds?

Mr. ROGERS of Texas. That, of course, would depend, as the gentleman from Oregon knows, on whether or not the plan met the approval of the Department of the Interior.

Mr. DUNCAN of Oregon. I understand that. I thank the gentleman for yielding.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Texas. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Under section 7 of the bill, if the Secretary of the Interior submits a project, do I correctly understand it then would be up to the committee of the House or of the Senate, and not to the House or Senate, to approve the project? The only approval or rejection would reside in either the House Committee on Interior and Insular Affairs or its counterpart in the Senate?

Mr. ROGERS of Texas. Let me say to the gentleman from Iowa that this has to do with projects which are already in existence which do not otherwise come under this bill. If they want to work out additional recreation facilities in respect to projects already in existence under the jurisdiction of the Department of the Interior, which were not fully developed from a recreational standpoint, they can propose a recreational plan and submit it to Congress, and it will come in under the provisions of this act insofar as participation is concerned. But if the committee does not disapprove that in 60 days then the plan would be accepted.

Mr. EDMONDSON. Mr. Chairman, this bill is a necessary sequel to the Land and Water Conservation Fund Act of the 88th Congress, and has many desirable features.

In supporting this bill, I do not in any way modify my view that the fees authorized by the 1964 act are regrettable, and may deny outdoor recreation to millions of Americans.

The CHAIRMAN. The time of the gentleman from Texas has expired. All time has expired.

Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress and the intent of this Act that (a) in investigating and planning any Federal navigation, flood control,

reclamation, hydroelectric, or multiple-purpose water resource project, full consideration shall be given to the opportunities, if any, which the project affords for outdoor recreation and for fish and wildlife enhancement and that, wherever any such project can reasonably serve either or both of these purposes consistently with the provisions of this Act, it shall be constructed, operated, and maintained accordingly; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are included or proposed for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

SEC. 2. (a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation or fish and wildlife enhancement or for both of these purposes pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and to bear not less than one-half the separable costs of the project allocated to either or both of said purposes, as the case may be, and all the costs of operation, maintenance, and replacement incurred therefor—

(1) the benefits of the project to said purpose or purposes shall be taken into account in determining the economic benefits of the project;

(2) costs shall be allocated to said purpose or purposes and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means; and

(3) not more than one-half the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable. Projects authorized during the calendar year 1965 may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of any project to which this subsection is applicable.

(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to

entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and are made subject to review and renegotiation at intervals of not more than five years.

SEC. 3. (a) No facilities or project modifications which will furnish recreation or fish and wildlife enhancement benefits shall be provided in the absence of the indication of intent with respect thereto specified in subsection 2(a) of this Act unless (1) such facilities or modifications serve other project purposes and are justified thereby without regard to such incidental recreation or fish and wildlife enhancement benefits as they may have or (2) they are minimum facilities which are required for the public health and safety and are located at access points provided by roads existing at the time of project construction or constructed for the administration and management of the project. Calculation of the recreation and fish and wildlife enhancement benefits in any such case shall be based on the number of visitor days anticipated in the absence of recreation and fish and wildlife enhancement facilities or modifications except as hereinbefore provided and on the value per visitor-day of the project without such facilities or modifications. Project costs allocated to recreation and fish and wildlife enhancement on this basis shall be nonreimbursable.

(b) Notwithstanding the absence of an indication of intent as specified in subsection 2(a), lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project.

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project (which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation or fish and wildlife enhancement or both pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and will bear not less than one-half the costs of lands, facilities, and project modifications provided for either or both of those purposes, as the case may be, and all costs of operation, maintenance, and replacement attributable thereto), the remainder of the costs of lands, facilities, and project modifications provided pursuant to this paragraph shall be nonreimbursable. Such agreement and subsequent development, however, shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of this subsection, the head of the agency having jurisdiction over the project may utilize the lands for any lawful purpose within the jurisdiction of his agency, or may transfer custody of the lands to another Federal agency for use for any lawful purpose within the jurisdiction of that agency, or may lease the lands to a non-Federal public body, or may transfer the lands to the Administrator of General Services for disposition in accordance with the surplus property laws of the United States. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed, and in every case preference shall be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential.

SEC. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes

and to bear the costs of operation, maintenance, and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be leased to non-Federal public bodies.

SEC. 5. Nothing herein shall be construed as preventing or discouraging post-authorization development of any project for recreation or fish and wildlife enhancement or both by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

SEC. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report on any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Act of 1965 (78 Stat. 897).

(b) The first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)) is amended to read as follows: "Provided, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities." The second proviso of subsection 2(d) of said Act is hereby repealed.

(c) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed \$28,000,000: *Provided*, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

(d) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended.

(e) Sections 2, 3, 4, and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities, authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(f) As used in this Act, the term "non-reimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(g) Subsection 6(a)(2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b)(1) of this Act.

(h) All payments and repayment by non-Federal public bodies under the provisions of this Act, and revenue from the conveyance

by deed, lease, or otherwise, of lands under subsection 3(b)(2) of this Act, shall be deposited in the Treasury as miscellaneous receipts.

SEC. 7. (a) The Secretary of the Interior is authorized as a part of any water resource development project under his control heretofore or hereafter authorized or reauthorized, except projects or areas within national wildlife refuges, to investigate, plan, construct, operate, and maintain or otherwise provide for public outdoor recreation and fish and wildlife enhancement facilities, to acquire or otherwise to include within the project area such adjacent lands or interests therein as are necessary for present or future public recreation or fish and wildlife use, to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes, and at projects hereafter authorized or reauthorized, to allocate water and reservoir capacity to recreation and fish and wildlife enhancement: *Provided*, That no appropriation shall be made for the construction of recreation or fish and wildlife facilities or the acquisition of land for such purposes at existing projects, which construction or acquisition has not heretofore been authorized by law, prior to the expiration of sixty calendar days (which sixty days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days) from the date on which the Secretary submits to the Congress a report thereon and then only if, within said sixty days, neither the House nor the Senate Committee on Interior and Insular Affairs disapproves such plan. Lands, facilities, and project modifications may be provided in accordance with subsection 3(b), hereof, at projects heretofore authorized.

(b) The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease agreement or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation and fish and wildlife enhancement purposes.

(c) No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation or fish and wildlife purposes under the authority of this section without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation or fish and wildlife development in connection with water resource

projects or to disposition of public lands for such purposes.

SEC. 8. Nothing contained in this Act shall be taken to authorize or to sanction the construction under the Federal reclamation laws or under any Rivers and Harbors or Flood Control Act of any project in which the sum of the allocations to recreation and fish and wildlife enhancement exceeds the sum of the allocations to irrigation, hydroelectric power, municipal, domestic and industrial water supply, navigation, and flood control.

SEC. 9. As used in this Act—

(a) The term "project" shall mean a project or any appropriate unit thereof.

(b) The term "separable costs," as applied to any project purpose, means the difference between the capital cost of the entire multiple-purpose project and the capital cost of the project with the purpose omitted.

(c) The term "joint costs" means the difference between the capital cost of the entire multiple-purpose project and the sum of the separable costs for all project purposes.

(d) The term "capital cost" includes interest during construction, wherever appropriate.

SEC. 10. Section 2, subsection (a) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) is hereby amended by striking out the words "notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury;" and inserting in lieu thereof the words "notwithstanding any other provision of law:" and by striking out the words "or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law" and inserting in lieu thereof "or affect any contract heretofore entered into by the United States that provides that such revenues collected at particular Federal areas shall be credited to specific purposes".

SEC. 11. This Act may be cited as the "Federal Water Project Recreation Act".

Mr. ROGERS of Texas (interrupting the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be printed in the RECORD, considered as read in full, and open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HARRIS. Mr. Chairman, I move to strike out the last word.

(Mr. HARRIS asked and was given permission to proceed for an additional 5 minutes.)

[Mr. HARRIS addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. DINGELL. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I had several questions that I wanted to ask the distinguished chairman of the committee or the chairman of the subcommittee that handled this legislation.

Previously, in a colloquy with the gentleman from Missouri, the gentleman from Texas discussed page 15, line 6, down through line 12, dealing with users fees to be collected by local authorities.

I would like to ask several questions about that and then I would like to ask some questions about some other parts of the bill.

I would like to know if it is intended that this should conflict with or sub-

stitute for the Land and Water Conservation Fund with regard to the collection of user charges at Federal projects or in Federal areas?

Mr. ROGERS of Texas. No, it is entirely different, it is entirely separate and there would be no conflict, I will say to the gentleman.

Mr. DINGELL. What is to stop some local authority from setting up a plan to develop recreational resources at a Federal project and then to set up a collection stand at the entrance to this Federal project and proceed to collect these charges?

Mr. ROGERS of Texas. If the gentlemen will yield further, I will say to the gentleman that they could only collect the charges—the local body—could only collect the charges with respect to the recreational area over which they had jurisdiction and these could only be collected in keeping with the contract on the approved project, as it had been understood between the Secretary of the Interior and the public group at the time the presentation was made in the first instance.

Mr. DINGELL. The gentleman from Texas then is referring to the earlier language in the bill at page 13, subsection 2(a) and following, which prescribes that an agreement shall be negotiated between the Secretary and some appropriate local authority?

Mr. ROGERS of Texas. If the gentleman will yield further, that is right.

Mr. DINGELL. This would stop some local authority from simply setting up a collection box at the entrance to a Federal project to utilize funds for some local purpose or for recreational purposes if they so chose to denominate it for that purpose?

Mr. ROGERS of Texas. If the gentleman will yield, that is correct.

Mr. DINGELL. I would like to discuss some language that appears on the following page here dealing with some limitation. On page, beginning in line 3:

Sections 2, 3, 4, and 5 of this act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects—

And so forth. And then it proceeds to list a number of other things.

Is this a limitation, a restriction, or a curtailment of the Fish and Wildlife Coordination Act passed by the Committee on Merchant Marine and Fisheries some years ago?

Mr. ROGERS of Texas. If the gentleman will yield, it is not.

Mr. DINGELL. Is it the intent of the committee in any way, or does the committee or does this legislation in any way seek to curtail or to limit the impact of the Fish and Wildlife Coordination Act in any way other than the two devices that were mentioned earlier by the chairman of the Committee on Interior and Insular Affairs, the gentleman from Colorado [Mr. ASPINALL]?

Mr. ROGERS of Texas. If the gentleman will yield further—

Mr. DINGELL. I would be happy to yield.

Mr. ROGERS of Texas. The gentle-

man has answered his own question. It has only to do with the two matters discussed by the chairman of the full committee [Mr. ASPINALL].

Mr. DINGELL. Then there is no attempt by this legislation to curtail the impact of the Fish and Wildlife Coordination Act in any way insofar as the protection it affords conservation and enhancement of fish and wildlife resources and Federal sharing, and to mitigation of damages as well, except by the two devices mentioned by the distinguished gentleman from Colorado [Mr. ASPINALL] and the distinguished gentleman from Texas [Mr. ROGERS]?

Mr. ROGERS of Texas. If the gentleman will yield further, the gentleman is exactly correct. I might add that insofar as I am personally concerned there is not only a lack of attempt, but there is a lack of intent and it was so discussed in the subcommittee.

Mr. DINGELL. I want to thank the gentleman and the committee for this explanation and I simply want to reiterate once more my great concern lest there be some abuse of the matter pointed out by the gentleman from Missouri, that is, dealing with the collection of entrance fees, and to be assured by my good friend from Texas that this is not intended to permit either conflict with the land and water conservation fund stamps that are to be sold by the Department of the Interior pursuant to the Land and Water Conservation Fund Act as passed by the last Congress and it is not going to jeopardize in any way the existence of the wholesome practices in these projects?

Mr. ROGERS of Texas. If the gentleman will yield further, the gentleman has my assurance, and I would like to add that I thank the gentleman for the contribution which has been made by the gentleman from Michigan and also by the gentleman from Missouri with reference to the conservation of the natural resources of this country and their support has certainly been most commendable.

Mr. DINGELL. I thank my good friend.

The CHAIRMAN. The question is on the committee substitute amendment.

The committee substitute amendment was agreed to.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having resumed the chair. Mr. YOUNG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5269) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and to provide the Secretary of the Interior with authority for recreation development of projects under his control, pursuant to House Resolution 380, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1229) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes, a similar bill to the one the House just passed.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. ROGERS]?

There being no objection, the Clerk read the Senate bill, as follows:

S. 1229

An act to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress and the intent of this Act that (a) full consideration shall be given to outdoor recreation opportunities and fish and wildlife enhancement where these can be provided or enhanced in the investigation, planning, construction, operation, and maintenance of Federal navigation, flood control, reclamation, hydroelectric and multiple-purpose water resource projects; (b) planning with respect to the development of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are authorized by law for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

SEC. 2. (a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and to bear not less than one-half the separable costs of the project allocated to recreation and fish and wildlife enhancement and all the costs of operation, maintenance, and replacement of recreation and fish and wildlife enhancement lands and facilities: (1) the benefits of the project to recreation and fish and wildlife enhancement shall be taken into account in determining the economic benefits of the project; (2) costs shall be allocated to the purposes of recreation and fish and wildlife enhancement and to other purposes in a

manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means; and (3) not more than one-half the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable. Projects authorized before January 1, 1966, may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of projects authorized pursuant to this section.

(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and if the fee schedule and the portion of fees dedicated to repayment are made subject to review and renegotiation at intervals of not more than five years.

SEC. 3. (a) In the absence of an indication of intent as specified in subsection 2(a), facilities or project modifications shall not be provided expressly for recreation and fish and wildlife enhancement; minimum facilities for the public health and safety may be provided at access points provided by roads existing at the time of project construction and roads constructed for the administration and management of the project. For projects authorized pursuant to this section hereof, the recreation and fish and wildlife enhancement benefits shall be limited to the number of visitor days and the value per visitor day which would take place on the basis of the provision of minimum facilities for public health and safety, and excluding any additional land which may be acquired expressly to provide for subsequent recreation or fish and wildlife enhancement development as provided under subsection 3(b); for projects authorized pursuant to this subsection, all costs allocated to recreation and fish and wildlife enhancement shall be nonreimbursable.

(b) In the absence of an indication of intent as specified in subsection 2(a), lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project.

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation and fish and wildlife enhancement pursuant to a plan of development and will bear not less than one-half the cost of lands, facilities, and project modifications provided for those purposes and all costs of operation, maintenance, and replacement of recreation and fish and wildlife en-

hancement facilities, not more than one-half the costs of lands provided pursuant to this subsection, and facilities and project modifications provided pursuant to the plan of development may be borne by the United States and such costs shall be nonreimbursable. Such agreement and subsequent development shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph 1 of this subsection, the head of the agency having jurisdiction over the project shall offer the land for sale to its immediate prior owner at its appraised fair market value as approved by the head of such agency at the time of offer. If firm agreements to dispose of the land are not executed within ninety days of the date of such offer by the head of the agency, then the head of the agency shall determine whether such lands can be put to other use for programs of the agency or whether such lands should be reported as excess to the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed.

SEC. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the costs of operation, maintenance, and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be transferred to the non-Federal public bodies at no cost.

SEC. 5. Nothing herein shall be construed as preventing or discouraging postauthorization development of any project for recreation and fish and wildlife enhancement by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

SEC. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report on any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897).

(b) The first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)) is amended to read as follows: "*Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities." The second proviso of subsection 2(d) of said Act is hereby repealed.

(c) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended.

(d) Sections 2, 3, 4, and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protec-

tion projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(e) As used in this Act, the term "non-reimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(f) Subsection 6(a)(2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b)(1) of this Act.

(g) All payments and repayment by non-Federal public bodies under the provisions of this Act, and revenue from the conveyance by deed, lease, or otherwise, of lands under subsection 3(b)(2) of this Act, shall be deposited in the Treasury as miscellaneous receipts.

SEC. 7. The Secretary of the Interior is authorized as a part of any water resource development project under his control heretofore authorized, except projects or areas within national wildlife refuges, to construct, operate, and maintain or otherwise provide for basic public outdoor recreation facilities, such as boat ramps, picnic tables, beach areas, sanitation facilities, and parking areas of a total cost not to exceed \$50,000 for each water resource project.

SEC. 8. (a) The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operations, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease, conveyance, or exchange, upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation purposes.

(b) No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation purposes under the authority of this Act without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this Act. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation development of water resource projects or to disposition of public lands for recreational purposes.

SEC. 9. Effective on and after January 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation

of any feasibility report with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law or specifically directed by either the Senate Committee on Interior and Insular Affairs, or the House Committee on Interior and Insular Affairs by a resolution adopted by such committee, any other provision of law notwithstanding.

SEC. 10. As used in this Act—

(a) The term "project" shall mean a project or any appropriate unit thereof.

(b) The term "cost" shall mean the value of goods and services (land, labor, and supplies) used for the establishment, maintenance, and operation of the project.

(c) The term "separable costs" shall mean the cost for each project purpose which is the difference between the cost of the multiple-purpose project and the cost of the project with the purpose omitted.

(d) The term "joint costs" shall mean the difference between the cost of the multiple-purpose project as a whole and the total of the separable costs for all project purposes.

(e) The term "feasibility report" shall mean any report of the scope required by the Congress when formally considering authorization of the project of which the report treats.

SEC. 11. This Act may be cited as the "Federal Water Project Recreation Act".

AMENDMENT OFFERED BY MR. ROGERS OF TEXAS

Mr. ROGERS of Texas. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS of Texas: "Strike out all after the enacting clause and insert the provisions of H.R. 5269 as passed by the House."

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 5269) was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. ROGERS of Texas. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

INCIDENT AT BIEN HOA, VIETNAM

(Mr. RIVERS of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERS of South Carolina. Mr. Speaker, there have appeared in the press some rather detailed accounts of the unfortunate incident at Bien Hoa airfield in Vietnam. This catastrophe resulted in the loss of life of some of our finest air crews and maintenance personnel.

As soon as he heard of this tragic event, General McConnell, the able Chief of Staff of the Air Force, immediately dispatched to Vietnam a team of his most experienced and competent personnel under the Inspector General, Lt. Gen. William K. Martin, to inquire into this incident.

The Committee on Armed Services was notified and has been briefed on this affair.

Obviously, there will be a great amount of speculation and postulating about our activities at this base in an effort to explain, or condemn, the cause of the explosions.

I remind all who are aroused, as I am, and as we all should be, by this incident, to remember our overall aims and objectives in Vietnam.

The Air Force is keeping us advised—it is making a thorough investigation of the affair—we still are fighting the Vietcong—we still have security problems—we still have to win a war.

Therefore, I urge everyone to refrain from any unnecessary discussion of the details of this incident, which could reveal classified information and jeopardize our military efforts.

To those who gave their lives so unexpectedly, yet so gallantly, we owe a reflective pause.

When the facts are known, they will be disclosed to the extent that security will permit.

I can assure you of this, and I hope and pray that you will help. We need help.

Thank you very much.

DOMINICAN REPUBLIC

(Mr. O'HARA of Michigan asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. O'HARA of Michigan. Mr. Speaker, I was heartened by the report in this morning's newspaper that the White House mission to the Dominican Republic, headed by McGeorge Bundy, was attempting to obtain the resignation of the Imbert junta and restoration of a constitutional government under the direction of persons associated with the party and program which received the overwhelming support of the Dominican people in the only free election held in that unhappy nation in over 30 years.

It is my fervent hope that we will persevere in these efforts in spite of the predictable reaction of the junta leadership which evidently equates popular government and opposition to military dictatorship with communism.

While it is proper and essential that the United States be determined to prevent the establishment of Communist-oriented governments in the Americas, it is equally important that we demonstrate a solid commitment to the creation and support of democratic and constitutional governments.

If we fail to demonstrate convincingly our hemisphere commitment to popular government, we will have let down the people of the Dominican Republic and our friends throughout Latin America and will have severely damaged our relations with other nations in the Western Hemisphere.

The twin objectives of opposition to Communist imperialism and support for democratic government are not mutually irreconcilable.

In the Dominican Republic, assuming the accuracy of our assessment of an at-

tempted Communist takeover of the revolution, it must nevertheless be conceded that the forces of rebellion include a sizable cross section of Dominicans committed to constitutional government which is overwhelmingly non-Communist in its orientation. It is our responsibility to work with the democratic elements of the revolution and to insist upon the creation of a constitutional regime committed to the social and economic principles endorsed by the Dominican people in the 1962 elections.

Mr. Speaker, Walter Lippmann's column in this morning Washington Post, entitled "The Cornerstone of a Policy," succinctly expresses the problems we face in the Dominican Republic and the principles to which we must adhere. Under permission granted, I include the text of Mr. Lippmann's column at this point in the RECORD:

THE CORNERSTONE OF A POLICY

(By Walter Lippmann)

There is, we can be sure, no quick way out of the Dominican affair. There is no solution available which will not, even with the best of luck, take a long time. There is no prospect of our being able to withdraw soon leaving behind some sort of reasonably democratic and stable government.

The reason why the future is so difficult is that during the 30 years in which Trujillo ruled the Dominican Republic, he exterminated or drove into exile or into hiding all the educated, competent public men who did not take part in his cruel and corrupt tyranny. The men who should have taken over power after Trujillo are a lost generation. Dr. Bosch spent the Trujillo years in exile, and therefore he had no practical experience in Dominican politics before becoming President.

It is this lack of able and honest and progressive leaders which is the fundamental difficulty in extricating ourselves from the embarrassing and ominous situation in which we find ourselves. There is the reactionary military junta, which represents a revival of the Trujillist oligarchy, and there are the constitutionalists, who represent the bitter discontent of the Dominican masses. They are without practical experience in government, and they are vulnerable therefore to infiltration from agents of or sympathizers with Castro. Between these two groups there is nothing, no middle group of eminent and respectable men who could provide a caretaker government.

The predicament of the United States arises from the fact that it may take the OAS and the U.N. years to overcome the political vacuum, to find, to promote, to defend and to finance a government which can be independent because it rests on popular consent. In the past one alternative would have been an indefinitely prolonged U.S. occupation of the Dominican Republic, ruled by a high commissioner who is not a Dominican. It is too late in the day for that. This sort of solution is not acceptable in the modern world. Another alternative, which has been favored by the State Department, is a coalition government. Caamano would represent the constitutionalists and Imbert the military junta. Almost certainly, this is not really a valid option. It proposes to ignore the depth and the width of the conflict between those who are fighting to perpetuate the inheritance of Trujillo and those for whom life is intolerable without far-reaching progressive reforms.

The first requirement of U.S. policy is that the President make himself free and uncommitted, and specifically that our troops cease to favor the military junta in the civil war.

It is as certain as anything can be in a situation of this kind that a workable policy must invoke the principle of legitimacy and must be directed to progressive reform. Legitimacy is important because only a government which derives from the only genuine election the Dominicans have ever known can hope to command the confidence and respect of the Dominican masses.

It is no doubt true that Dr. Bosch was a weak President. But he is the only Dominican who has ever been genuinely elected, and therefore the political succession from him to Caamano should be respected and observed. The government which the OAS backs, and we along with it, should have as its cornerstone the Constitutionalist Party.

It would be strange indeed if there were no Communists in the Constitutionalist Party. But there is no evidence whatever that they are in control of the party and, considering the certainty that troops will remain in the Dominican Republic for a considerable time to come, there should be no serious danger that the Communists, admittedly a small number, could take over as they did in Cuba. In view of the power deployed in and around the island, the threat of a Soviet intervention to support a Communist coup seems to be small. It is so small that it is a risk we can well afford to take.

There are two great advantages to be had from treating the Constitutionalist Party as the cornerstone of a new government. The first is that with good advice from its Latin American neighbors, and with plentiful economic assistance from us, such a government would be the one most likely to succeed.

The second advantage is that this decision on our part is the only one that can prove our good faith, which is profoundly suspected throughout the hemisphere. For the decision to make the Constitutionalist Party the cornerstone will be the certain proof that President Johnson did not intervene in order to support a military dictatorship working for reactionary interests, and that he is in fact genuinely committed to popular progressive reform.

There is no real alternative to this line of policy. For no government can be built around the military junta which has any hope of winning the support of the Dominican people or of obtaining approval from our Latin American neighbors.

RESOLUTION FOR UPDATING IMMIGRATION LAWS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include a resolution.)

Mr. ANNUNZIO. Mr. Speaker, on May 12, 1965, the City Council of the City of Chicago and its distinguished mayor, Hon. Richard J. Daley, adopted a resolution urging the enactment of pending legislation for liberalizing our immigration laws. This resolution represents the overwhelming attitude of almost 4 million people who reside in the city of Chicago. The resolution follows:

RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF CHICAGO URGING ENACTMENT OF PENDING LEGISLATION FOR UPDATING IMMIGRATION LAWS

Whereas four previous administrations of the United States of America and four Presidents of the United States, including former Presidents Harry S. Truman and Dwight D. Eisenhower, the late John F. Kennedy and the incumbent, Lyndon B. Johnson, have each declared that the present quota system for immigration into the United States of America was false and unworthy in 1924 and

is even worse, now, and completely contrary to the ideals and philosophy of America and that which made America great: Now, therefore, be it

Resolved, That the members of the City Council of the City of Chicago, in session assembled, hereby memorialize the House of Representatives and the Senate of the United States of America to support and pass pending immigration legislation in said Congress, known as Senate bill 500 and House of Representatives bill 2580; and that it is the sense of this city council that our current immigration laws should be enlarged, amended, and brought into conformity with our basic desires of continuing to make America available to deserving immigration on a fair and equitable basis.

APPROPRIATIONS FOR THE VETERANS' ADMINISTRATION AND PROPOSED VA HOSPITAL CLOSINGS

(Mr. EVINS of Tennessee asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EVINS of Tennessee. Mr. Speaker, as we consider the budgetary recommendations of the independent offices I want to particularly discuss the appropriations as they relate to the Veterans' Administration.

It was my privilege to chair the hearings on this agency and I, therefore, feel that I can speak with some familiarity of the inner workings and the programs of the agency.

I know there is much concern about the proposed Veterans' Administration hospital closings. Our committee has given full and thorough consideration to the matter. The hearings will document each individual project in which Members are interested.

I personally questioned the Veterans' Administration Administrator, Mr. William J. Driver, and the Chief Medical Director, Dr. J. H. McNinch, regarding every one of the hospitals concerned in the proposed closing—as to location, conditions, number of patients at each hospital, and the reason for the proposed closing.

All of this is documented in the hearings.

As you know, the President has appointed a blue-ribbon Committee headed by James G. Gleason, former Administrator of the Veterans' Administration, to study and consider this matter. This committee is currently engaged in this study.

Also, the House Committee on Veterans' Affairs headed by our distinguished colleague, the gentleman from Texas, Chairman OLIN TEAGUE, is looking into the closings. When these reports are in, we will be in a better position to make a judgment in this matter.

We have the greatest veterans program of any nation in the world. Our committee recommended a total of \$5,663,192,000 for all the programs of the Veterans' Administration for fiscal 1966. This is an increase of \$22,445,000 over the budget for fiscal 1965.

The bill includes an appropriation of \$1,177,417,000 for medical care. We did not cut the medical care program by one dime. In fact, we increased the Vet-

Digest of CONGRESSIONAL PROCEEDINGS

OFFICE OF
BUDGET AND FINANCE

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HIGHLIGHTS: Senate committee reported cigarette labeling bill. Senate committee voted to report bill to increase watershed floodwater detention capacity. House passed Northwest disaster relief bill. House committee voted to report housing and urban development bill. House committee granted permission to file report on USDA appropriation bill Thurs., May 20. House passed bill extending time for filing leases transferring tobacco allotments. Sen. Monroney introduced and discussed President's pay bill.

HOUSE

- 1. DISASTER RELIEF.** Passed with amendment S. 327, to provide assistance to Calif., Ore., Wash., Nev., and Idaho for the reconstruction of areas damaged by recent floods and highwaters, after substituting the text of a similar bill, H.R. 7303, which was passed earlier as reported from committee. H. R. 7303 was tabled. (pp. 10546-55) As passed the bill includes provisions as follows: Authorizes an additional \$38 million for forest development roads and trails for the fiscal year ending June 30, 1966 to be used solely for the construction, repair and reconstruction of forest development roads and trails in these States damaged by

floods. Authorizes the Secretaries of Agriculture and the Interior to reimburse timber sale contractors for reconstruction and restoration of roads which were under construction but had not been accepted by the Government as part of the national system of forest development roads and trails at the time of the floods; provides that timber sale purchasers shall bear 15 percent of the costs of reconstruction and restoration, up to a maximum cost to the purchaser of \$4,500, and the Government shall bear 85 percent of the costs, and 100 percent of all amounts above \$30,000 on a single timber purchase contract; and provides the Secretaries with discretionary authority to cancel a timber purchase contract where it is determined that the damages are so great that restoration, reconstruction, or construction is not practical under the above cost-sharing arrangement. Authorizes the Secretary of Agriculture to reduce from 30 days to 7 days the minimum time required to advertise the sale of national forest timber in the affected area. Authorizes the appropriation of not to exceed \$50 million for fiscal year 1965 and not to exceed \$20 million for fiscal year 1966 to the Department of Commerce for the repair and reconstruction of highways, roads, and trails, on a national basis, which are damaged as a result of a disaster.

2. TOBACCO. Passed without amendment H. J. Res. 436, to permit tobacco farmers who have entered into a lease for the transfer of 1965 tobacco acreage allotments an additional 20 days after enactment of this joint resolution to file such leases with their local ASC county committee. p. 10546
3. LANDS. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 797, with amendment, to provide for establishment of the the Whiskeytown-Shasta-Trinity National Recreation Area, Calif., and H. R. 903 to add certain lands to the Kings Canyon National Park, Calif. p. D420
The "Daily Digest" states that the Interior and Insular Affairs Committee tabled H. R. 16, relating to the selection of mineral lands by States in certain instances in lieu of lands granted to them but lost before title could pass. p. D420
4. HOUSING AND URBAN DEVELOPMENT. The Banking and Currency Committee voted to report (but did not actually report) H. R. 7984, the proposed Housing and Urban Development Act of 1965 (p. D420). The Committee was granted permission to file a report on this bill by midnight Thurs., May 20 (p. 10556).
5. APPROPRIATIONS. The Appropriations Committee was granted permission to file a report on the USDA appropriation bill by midnight Thurs., May 20. p. 10545
6. SMALL BUSINESS. The Banking and Currency Committee reported without amendment S. 1796, to amend the Small Business Act so as to provide for an increase in the maturity of Small Business Administration disaster loans from 20 to 30 years (H. Rept. 354). p. 10572
7. WATER RESOURCES. Rep. Grabowski spoke in support of H. R. 5269, to provide uniform rules for the treatment of recreation and fish and wildlife benefits and costs in connection with Federal water resource projects of the Corps of Engineers and the Bureau of Reclamation. p. 10567

10-year-old independent of the family and Kon, the 15-year-old boy who preferred books to working in the field.

Like most of the other families on the Mecong Delta, the Hun's main crop was rice. The reason for this is that the delta provides the special conditions rice needs to grow. To better explain this I'll mention the steps involved in planting, raising, and harvesting rice.

In the spring the Mecong River floods the land. Then, as the water slowly recedes, farmers plant small rice seedlings in the swampy earth. All summer long the rice grows with the hot sun shining down upon it. After 1 month of rain it is ready to be harvested.

The Huns are a fine, hard-working family. That is the impression I got while staying there. Up at dawn, they'd rush through a quick breakfast, then would at once begin to work. Ho, Chi, Kon, and Phang would head for the fields while Lang and her mother would work, as we say, "around the house."

Today happened to be the last day I was expected to work in the village. However, I had already finished my work so I decided to spend my remaining day living and working with the Huns; but today, as I soon discovered was not a normal day but "market day."

The marketplace was a small village up the river, where the people would come and trade their products for things they themselves did not produce.

The family boarded a small boat which they had acquired for just such a purpose and began the rather short journey up the river. They had with them goods which they planned to trade. We soon reached our destination.

I found myself very interested in watching the manner in which these people traded. They were very careful, and traded only when they thought it was a good and a fair deal. The Hun family seemed quite expert at this and traded rice, woven, and handmade goods. They, in turn received food and goods which they did not grow, such as corn, potatoes, rubber, beans, sugarcane, tea, and coconuts. They also received some dried fish which they certainly could use. These crops, I learned later, were grown either on the valley along the coast, the Mecong Delta, or the highland region, extending down the central part of South Vietnam.

Lang seemed overwhelmed when she got 73 pastres (\$1) for a woven cloth she had made. Marketing and trading seem very important to these people.

The family was quite happy and satisfied as we slowly drifted toward home. As we approached their hut I pointed to the bamboo framework of some sort of building. He informed me that this was a new church under construction.

"Of course it is a Buddhist church, since most of the people in this town are Buddhists. But many of the other towns are a variety of different religions, such as Taoism, Confucianism, Christianity, Caodaism, and Hao Hao. Ancestor worship is also practiced. Many of these religions are a combination of others. There has been much misunderstanding and trouble between the Christians and Buddhists."

Here he paused, staring blankly into the horizon. Changing the subject, I asked him why everyone seemed to travel by water.

"That is simple," he said, shaking his head, "roads are very expensive to build and keep in good order. Besides, the land these roads would take up could better be used for productive land. That is why we have so many canals. If we want to go visiting, we just get into our boats. Although the main source of travel is water, many people in Vietnam travel differently. Some walk or ride bicy-

cles. Railroads and roads are important also, but in the Mecong Delta water transportation is the most important and useful.

"I see," I said, smiling to myself as we pulled up to their familiar hut. "This has been such an interesting and exciting day. I'd like to thank you."

Yes, it was one of the most pleasant and enjoyable days I've spent here, but amid the fun, one in which I thought a good deal.

FEBRUARY 24, 1965.

DEAR DIARY: I am writing to you from a small bamboo hut. Tomorrow I am to be picked up and brought to the airport, where I will leave for home. It has been 2 years since I first set foot in this amazing little country. Little did I know how sad I would be to leave it. Little did I know that a small country like Vietnam could so change my way of thinking, that it could make me a completely different person—a better person.

I now know how much a big strong country like the United States could learn from a little country like Vietnam.

FEDERAL WATER PROJECT RECREATION ACT

(Mr. GRABOWSKI (at the request of Mr. FARNSLEY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GRABOWSKI. Mr. Speaker, since the end of World War II, a growing need of recreation values has been recognized in water resource project reports. However, we have not had a general policy to guide and limit us as to the extent to which the Federal Government would bear a part of the cost of a water resource project that helps make possible recreation benefits.

Such a general policy will be provided by H.R. 5269 as it was passed by the House yesterday.

H.R. 5269 will provide uniform rules for the treatment of recreation and fish and wildlife benefits and costs in connection with Federal water resource projects of the Corps of Engineers and the Bureau of Reclamation. This act contains numerous provisions, with some of the more important ones including:

First. Full consideration is to be given to recreation and fish and wildlife enhancement as project purposes on Federal projects and general cost-sharing and reimbursement policy for these purposes is established.

Second. Planning with respect to the recreational potential of any project also is to be coordinated with existing and planned Federal, State, and local public recreation developments.

Third. Federal agencies are directed to encourage non-Federal administration of the recreation and fish and wildlife enhancement features of most Federal water projects. H.R. 5269 is, in this way, complementary to the Land and Water Conservation Act of 1965. Both Federal and non-Federal responsibilities are recognized.

In addition, the Secretary of the Interior is given general authority to develop the recreational potential at projects under his control.

For some time Federal water resource projects have been providing opportunities for an increasing number of visitor-

days of outdoor recreation for the American people. However, all indications are that there will be a further growth in public interest in water-associated recreation in the years ahead. The difficult policy question which we here in the Congress have faced in connection with the consideration of water projects has been to determine to what extent and under what conditions the Federal Government should include recreational development as a part of Federal multiple-purpose water projects. During the last several Congresses, this question has been dealt with in various ways in connection with individual project authorizations to the Bureau of Reclamation and the Corps of Engineers. This has resulted in inconsistencies among projects and differences in agency procedures.

We know that the demand for outdoor recreation opportunities has been increasing rapidly in more recent years and that the needs are expected to continue rapidly expanding in the years ahead as our population and available leisure time increases. Records for 1964 indicate nearly 160 million visits to Federal reservoirs exclusive of those administered by the National Park Service and the Forest Service.

We know that water, in addition to providing for popular water-based recreational activities such as swimming, boating, and fishing, also makes more enjoyable land-based recreational activities such as picnicking and camping. In many sections of our country, water-oriented recreation is dependent upon Federal water development projects, and this has resulted in the general recognition that outdoor recreation should be given full consideration along with other project purposes in the formulation and management of such projects. If outdoor recreation is to be considered fully and properly included in water projects, then general policies, particularly cost-sharing and reimbursement policies, need to be adopted for the treatment of recreation and of fish and wildlife values. These policies should provide uniform procedures to be followed by the agencies concerned and provide equitable treatment to all projects.

H.R. 5269 is intended to meet this need and to insure optimum development and use of the recreational and related resource enhancement opportunities in any given project area. In the interest of achieving a desirable balance in the overall recreation program, this legislation requires the recreational aspects of water projects to be coordinated with State, regional, as well as national plans. It also encourages non-Federal public bodies to assume responsibility for management and additional development of recreational areas and facilities.

This legislation will be of major assistance in the provision of water-oriented recreation opportunities for the American people and will bring much-needed consistency to the handling of recreation and fish and wildlife as part of Federal multiple purpose water resource projects.

I am fully in favor of H.R. 5296.

NEW YORK CITY IN CRISIS— PART LXX

(Mr. MULTER (at the request of Mr. FARNSELY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following article from the New York Herald Tribune of March 27, 1965 concerning the effort to bring much-needed blue-collar jobs to New York City.

The article is part of the series on "New York City in Crisis" and follows:

NEW YORK CITY IN CRISIS—JOBS: JERSEY'S LOSS IS BROOKLYN'S GAIN

(By Barrett McGurn)

The struggle to keep needed blue-collar jobs in the city reached a turning point yesterday.

Louis Broido, commissioner for commerce and industrial development, dedicated the first factory to move into the five boroughs under the State's \$100 million industrial aid program.

The ceremony was the climax to a bizarre battle during which the plant had to fight, in effect, for an "exit permit" from a New Jersey town.

The factory is Reliable Sample Card, Inc., of 30 Sandford Street in the Bedford-Stuyvesant section of Brooklyn not far from the doomed New York Navy Yard. The company's plant employing 125 people on a regular basis and another 50 seasonally has been shut down at Wanaque, N.J. The New Jersey workers have lost their jobs. Brooklynites will get the work instead. The tasks are unskilled, paying about \$1.50 per hour, just the sort of employment so many untrained Negroes and Puerto Ricans of the navy yard area are seeking.

The phrase "exit permit" cropped up in violent conversations between Irving Warsoff, president of Reliable, and the authorities of Wanaque. Mr. Warsoff, who already has from 125 to 275 Sandford Street employees on a year-round basis, decided to combine operations inside the Bedford-Stuyvesant neighborhood for one main reason. Unemployment there guarantees a labor pool. A \$300,000 State loan enabling him to more than double the size of his Brooklyn operation was the clincher.

Then, the Wanaque fireworks began.

"They put an unmarked police car in front of our factory to prevent us from moving out equipment," company representatives said yesterday.

"You have no exit permit," Wanaque said in effect.

"What's an exit permit?" the Reliable people demanded.

Tiny Wanaque (population 10,000) explained unhappily. Reliable's year's taxes of \$3,000 would not be due until next month but "they're automatically payable at once if you move out." Factory equipment could move until taxes were paid.

Anyway, the taxes weren't \$3,000 anymore. Wanaque had decided that Reliable's machines and other equipment were not worth mere \$100,000 as previously appraised, but rather a whopping \$230,000. That meant that next month's tax would be \$10,000. And for "late filing" there'd be a charge of another \$2,500, or \$12,500 in all. Otherwise no "moving permit," no transfer of any Wanaque machinery to Bedford-Stuyvesant.

Many a hot word was exchanged until the present agreement. Three thousand dollars in taxes will be paid now and the rest of the \$12,500 will be left in escrow in a local lawyer's hands but Reliable won't hand the difference to Wanaque Township even "under protest."

"If they get their clammy hands on that \$9,500 * * *" company spokesmen shook their heads in dismay at the very thought.

Reliable hopes to get all its Wanaque equipment to Brooklyn within a week. Commissioner Broido cut the plant ribbon yesterday. This is a feather in his cap as he tries to convince the Committee of 14, representing New York business, that they should collaborate with his industrial development corporation in seeking to save factory jobs.

NEW YORK CITY IN CRISIS—PART LXXI

(Mr. MULTER (at the request of Mr. FARNSELY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MULTER. Mr. Speaker, the following article concerns one of the neighborhood renewal plans in New York and is part of the series on "New York City in Crisis."

The article appeared in the New York Herald Tribune on March 28, 1965, and follows:

NEW YORK CITY IN CRISIS—BATTLE OF MORNINGSIDGE HEIGHTS: BUREAUCRACIES VERSUS FAMILIES

(By James Lynn)

"We do not accept the idea that the eradication of slums in any area is accomplished by the relocation of the majority of its low-income residents."

The speaker was Aramis Gomez, of the Puerto Rican Citizens Committee on Housing; the scene, city hall during a board of estimate hearing earlier this month on the Morningside General Neighborhood Renewal Plan.

For hundreds of families on Morningside Heights, relocation is a present threat, not a distant prospect. Not all of them are slum families, or even low-income families, and their determination to stay where they are is the foundation on which much of the opposition to the Morningside GNRP has been built.

So far these families have lost most of their battles with the big institutional landlords on the Heights: Columbia University and its affiliates, St. Luke's Hospital, and the other members of the real estate combine called Remedco Corp.

But the battles so far have been little more than skirmishes, and since that board of estimate hearing on March 11 there have been unmistakable signs that the institutions may win them all and still lose the war of town and gown.

SAFEGUARDS

Mrs. Constance Baker Motley, Manhattan's new borough president, made it quite clear at the hearing that she wants firm safeguards in the GNRP against the possibility that poor Negroes and Puerto Ricans will be turned out of their homes to make a middle-class white enclave on the Heights.

Alone among the members of the board of estimate, Mrs. Motley sat through virtually all the speeches at the hearing. Several times she cross-examined supporters of the renewal plan to find out what protection it would give tenants who might have to be relocated if it goes into effect.

The answers she got didn't seem to satisfy her. She asked the board to postpone a decision on the GNRP until its April 22 meeting. Since then her staff has been looking into the various changes different interests have recommended in the plan.

The city's housing and redevelopment board defines a general neighborhood renewal plan as "a preliminary plan outlining proposed urban renewal activities in an area of such scope that renewal activities must

be initiated in a series of projects over an extended period of time up to 10 years."

Morningside's plan certainly fits that definition. It includes no less than five proposed urban renewal projects in a 92-block area stretching from 100th Street to 125th Street between Eighth Avenue and Riverside Drive. One of the projects, broken into two phases, is already in the detailed planning stage. A preliminary plan for the second is in preparation.

Some people are against the GNRP for reasons that have become rather commonplace in New York City in the 1960's. They object to urban renewal because it would mean the demolition of a community—in this case a community whose residents cover a wide band of the racial and economic spectrum.

To these people a GNRP is bad because urban renewal is bad—wasteful, degrading, and, worst of all, not even successful in its own limited terms. Any GNRP—and New York's only other one is now in a rather tentative state—would meet with the same objections from them.

ARGUMENT

Far more interesting are those people who see the need for urban restoration in general and are willing to admit that the need exists on Morningside Heights, but oppose the GNRP as it now stands on grounds as unique as the Morningside plan itself.

Their argument runs like this: Eviction is bad enough even when its cushioned by all the relocation services and payments the law requires in urban renewal projects supported by Federal funds. But right at the core of the Morningside GNRP area are 14 blocks that are excluded from the plan and its relocation benefits.

These 14 blocks are directly north, east, and south of Columbia, and 11 of them are marked for residential and/or institutional use on the proposed land-use map attached to the GNRP. Two more are flatly marked "Institutional"; only one is "Predominantly Residential."

Franz S. Leichter, the Seventh Assembly District's reform Democratic leader, told the board of estimate that "the practical effect, if not the purpose" of the exclusion "was to give the institutions carte blanche to expand into these excluded areas which just happen to border the institutional core."

The institutions are definitely expanding, which means people are losing their homes. Some of the buildings they are being forced out of are in terrible shape, but as William Stanley, of the Uptown Tenants Council, told the board of estimate, "As bad as it is, we want to keep it until we get something better."

Some of the other buildings under pressure are in perfectly good condition. One of them is actually being taken over by St. Luke's Hospital for use by nurses and other personnel as old tenants are pressured to get out.

On the Heights right now, there are eight sites where tenants are already under the threat of eviction. These tenants are wondering when their turn will come or if, at best, they will be allowed to stay on the sufferance of an institutional landlord who obviously would like to be rid of them as soon as possible.

1. Jewish Theological Seminary: In the back-to-back buildings at 531 West 122d Street and 540 West 123d, the Jewish Theological Seminary of America has served notice that it wants the tenants out by the end of the year. Only 156 of the 212 apartments are occupied; a handful are used for offices and the rest have been allowed to stand vacant.

The seminary, on the east side of Broadway between 122d and 123d Streets, wants to build a library and a small dormitory just east of its present quarters. The buildings it would tear down next year are something of an architectural curiosity: walkups with open stairways in their courtyards.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

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HIGHLIGHTS: See page 6

SENATE

1. DISASTER RELIEF. Concurred in the House amendments to S. 327, to provide assistance to Calif., Ore., Wash., Nev., and Idaho for the reconstruction of areas damaged by recent floods and highwaters (pp. 10726-7). This bill will now be sent to the President. See Digest 90 for a summary of provisions of this bill.

May 20, 1966

2. TOBACCO. Passed without amendment H. J. Res. 436, to permit tobacco farmers who have entered into a lease for the transfer of 1965 tobacco acreage allotments an additional 20 days after enactment of this joint resolution to file such leases with their local ASC county committee (p. 10725). This bill will now be sent to the President.
 3. SOIL AND WATER CONSERVATION. Sen. Proxmire inserted a National Farmers Union policy statement supporting increased "funds for the SCS and ACP in keeping with conservation needs inventory," and expressing opposition to "the Budget Bureau proposal for Congress to authorize a revolving fund through which soil conservation districts and farmers and ranchers would pay the Federal Government a part of the costs of technical assistance." pp. 10660-1
Sen. McGee inserted an American Forests magazine editorial critical of the proposed cut in "the technical assistance program of the Soil Conservation Service by \$20 million." pp. 10665-6
 4. COTTON. Sen. Yarborough criticized the proposed changes by this Department in the rules relating to skip-row planting of cotton and stated that "this is an indefensible move by the Secretary of Agriculture to curtail cotton production by using his powers to issue regulations rather than taking the proper course of coming to Congress with a new program for cotton." pp. 10689-90
 5. WATER RESOURCES. Conferees were appointed on S. 1229, to provide uniform rules for the treatment of recreation and fish and wildlife benefits and costs in connection with Federal water resource projects of the Corps of Engineers and the Bureau of Reclamation (pp. 10724-5). House conferees have not yet been appointed.
 6. POLLUTION. Sen. Clark inserted a series of articles on the "increasing pollution of his environment by man," including one reviewing recreational facilities in National Parks and Forests. pp. 10710-21
 7. COMMITTEE ASSIGNMENTS. Assignments were made to the various subcommittees of the Post Office and Civil Service Committee. p. D427
- HOUSE
8. AGRICULTURAL APPROPRIATION BILL, 1966. The Appropriations Committee reported this bill, H. R. 8370 (H. Rept. 364)(p. 10795). Attached to this Digest is a copy of the committee report which includes a summary table reflecting committee action on the bill.
 9. FORESTRY. Passed with amendment S. 435, to extend the boundaries of the Kaniksu National Forest, Idaho, after substituting the text of a similar bill, H. R. 5798, which was passed earlier as reported from committee. H. R. 5798 was tabled. pp. 10740-1
 10. RECREATION. The Interior and Insular Affairs Committee reported with amendment H. R. 89, to authorize establishment of the Tocks Island National Recreation Area, Pa. and N. J. (H. Rept. 360). p. 10795
 11. HOUSING. Rep. Ryan commended and inserted "Statement on Federal Housing Bill of 1965 From Strycker's Bay Neighborhood Council, New York." p. 10768
 12. FOREIGN AID. The Rules Committee reported a resolution for consideration of H. R. 7750, the foreign aid authorization bill. pp. 10741-2

The amendment would leave the decision to the Attorney General as to whether the political subdivision was presently engaged in violating the 15th amendment. However, if he made a decision to that effect he would be required to consent to the judgment of exoneration.

If this bill is merely designed to enforce the provisions of the 15th amendment, there should be no objection to providing that the Attorney General of the United States should have the power to determine whether the literacy test were being presently used to deny or abridge the right to vote on account of race or color, and to require him to consent to the entry of judgment in case he made the determination that the test is not being used for discriminatory purposes.

Mr. COTTON. Mr. President, would it vitiate the amendment of the Senator if the word "shall" on line 24, page 5, of the substitute measure were changed to "may"?

Mr. ERVIN. Such change would make the action of the Attorney General discretionary on his part.

Mr. COTTON. If the "shall" were changed to "may", would that destroy the effect of the Senator's amendment?

Mr. ERVIN. Mr. President, I ask unanimous consent to modify my amendment by providing that the word "shall" on line 24, page 5, of the substitute measure be changed to the word "may".

Mr. COTTON. That would make it discretionary with the Attorney General. In other words, if the Attorney General were to determine that no violations of the 15th amendment were occurring, he would have discretionary power to consent to the entry of a judgment. It would seem to me that the proponents of the bill ought to accept that amendment if it were so modified.

Mr. HART. Mr. President, the suggestion of the Senator from New Hampshire indicates that he did indeed catch the sense of the major objection that we made to the amendment.

As we read it, it would require the Attorney General to consent to a judgment if, at the moment—and it might be at a very tranquil moment, indeed—there were no disorder at the polling places. That, indeed, would be objectionable.

Mr. COTTON. Mr. President, I understood the Senator from North Carolina asked unanimous consent to modify that provision.

Mr. HART. He has requested that. I am reserving the right to object, and I am commenting thereon.

Mr. ERVIN. Mr. President, I ask unanimous consent that I be permitted to modify my amendment so as to provide that, in addition to the original amendment, the word "shall" on line 24, page 5, of the substitute measure, as reprinted on May 17, 1965, be changed to the word "may."

The PRESIDING OFFICER. Is there objection?

Mr. HART. Mr. President, reserving the right to object, let me inquire further with respect to the proposed change.

What we seek to do in the leadership substitute is to have the District Court for the District of Columbia make certain determinations and findings, in substance, that the effect of the denial or abridgment of the right to vote has been effectively corrected by State or local action, and that there is no reasonable cause to believe that any test or device sought to be used would be used for a similar purpose.

If the language of the amendment, as proposed to be modified should be agreed to, I am not at all clear that the Attorney General himself would have to make as rigid a finding as we seek to require the court to make. Would the Senator from North Carolina care to comment on that?

Mr. ERVIN. Mr. President, the Attorney General would not have to make as strict a requirement. However, the requirement that the court would have to make is that one who has sinned in the past is not going to sin in the future. I would dislike to be put on that good behavior throughout all future time. I say to the Senator from Michigan that the Attorney General is the chief legal officer of the Government. The Attorney General would be the one who would present the Government's case to the court.

If the chief legal officer of the Government were to come to the conclusion that there is no violation going on, it seems to me he ought to be allowed to consent to the judgment, and not be compelled to prosecute a case when he does not think it ought to be prosecuted. This amendment would merely make it discretionary with him. He could take into consideration other factors in arriving at this discretion.

Mr. HART. Mr. President, again reserving the right to object, it should be perfectly clear that in the amendment offered by the Senator from North Carolina as he now proposes to modify it we are only advising the Attorney General that, if he believes that there is no misuse of test or device as of the specific time in question, he may consent, provided, however, it is fully recognized that Congress seeks to insure that courts shall have the power to determine whether the effect of the earlier denial has been corrected. The opportunity is given the court to determine whether there is reason to believe that further use of tests or devices shall not be discriminatorily applied. It is perfectly clear that the Attorney General, under the proposed modified amendment, is able to give consent to enter such judgment. It is required, nevertheless, that he shall not do so unless the concepts and objectives we seek to attain are included.

Mr. ERVIN. Mr. President, as has been suggested by the Senator from New Hampshire, it would be in the discretion of the Attorney General. If he had any reason to believe that there had been a violation of the 15th amendment which had not been corrected, the Attorney General could take that into consideration in exercising his discretion. I do not believe the Attorney General, under those circumstances, would exercise his discretion in favor of a consent judgment.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. DIRKSEN. Mr. President, I should like to inquire whether the modification has been made.

Mr. HART. No; I continue to reserve my right to object.

The PRESIDING OFFICER. That is the pending question.

Mr. HART. Mr. President, the proposed language, the proposed modification would do no more than what we assert the Attorney General's obligation and right would be.

May I inquire of the Senator from Illinois if he agrees that the modification would be acceptable?

Mr. DIRKSEN. I agree.

Mr. ERVIN. Therefore, Mr. President, I renew my unanimous-consent request that I be permitted to modify my amendment so that, in addition to the change in language in the amendment, the word "shall" on line 24, page 5, shall be changed to the word "may."

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is modified accordingly.

Mr. ERVIN. Mr. President, I ask unanimous consent that the order for the yeas and nays be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the modified amendment of the Senator from North Carolina to the Mansfield-Dirksen substitute.

The amendment to the amendment, as modified, was agreed to.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ERVIN. Mr. President, I call up my amendments (No. 191) and ask the clerk to state it.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read the amendments (No. 191) to the substitute amendment of Senators MANSFIELD and DIRKSEN (No. 124) as amended, and modified, for the bill (S. 1564), as follows:

On page 4, line 24, insert the following proviso after the colon: "Provided, That upon motion of any State or political subdivision of any State embraced by the conditions enumerated in subsection (b), the District Court of the District of Columbia shall remove the action for a declaratory judgment for trial to the United States district court for the district in which the capital of the State is located or in which the political subdivision is situated if the District Court of the District of Columbia finds that such action on its part will promote the convenience of witnesses or the ends of justice;"

On page 5, line 1, insert the word "further" between the word "Provided" and the comma.

The PRESIDING OFFICER. The question is on agreeing to the amendments (No. 191) offered by the Senator from North Carolina.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum, but before I do so—

The PRESIDING OFFICER. Does the Senator withhold his suggestion of the absence of a quorum?

Mr. ERVIN. Yes; for a moment.

UNIFORM POLICIES WITH RESPECT TO RECREATION AND FISH AND WILDLIFE

Mr. HART. Mr. President, I ask unanimous consent that the Chair lay before the Senate an amendment from the House of Representatives to S. 1229.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1229) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes, which was, to strike out all after the enacting clause and insert:

That it is the policy of the Congress and the intent of this Act that (a) in investigating and planning any Federal navigation, flood control, reclamation, hydroelectric, or multiple-purpose water resource project, full consideration shall be given to the opportunities, if any, which the project affords for outdoor recreation and for fish and wildlife enhancement and that, wherever any such project can reasonably serve either or both of these purposes consistently with the provisions of this Act, it shall be constructed, operated, and maintained accordingly; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are included or proposed for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

Sec. 2. (a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation or fish and wildlife enhancement or for both of these purposes pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and to bear not less than one-half the separable costs of the project allocated to either or both of said purposes, as the case may be, and all the costs of operation, maintenance, and replacement incurred therefor—

(1) the benefits of the project to said purpose or purposes shall be taken into account in determining the economic benefits of the project;

(2) costs shall be allocated to said purpose or purposes and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish

and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means; and

(3) not more than one-half the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable. Projects authorized during the calendar year 1965 may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of any project to which this subsection is applicable.

(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and are made subject to review and renegotiation at intervals of not more than five years.

Sec. 3. (a) No facilities or project modifications which will furnish recreation or fish and wildlife enhancement benefits shall be provided in the absence of the indication of intent with respect thereto specified in subsection 2(a) of this Act unless (1) such facilities or modifications serve other project purposes and are justified thereby without regard to such incidental recreation or fish and wildlife enhancement benefits as they may have or (2) they are minimum facilities which are required for the public health and safety and are located at access points provided by roads existing at the time of project construction or constructed for the administration and management of the project. Calculation of the recreation and fish and wildlife enhancement benefits in any such case shall be based on the number of visitor days anticipated in the absence of recreation and fish and wildlife enhancement facilities or modifications except as hereinbefore provided and on the value per visitor-day of the project without such facilities or modifications. Project costs allocated to recreation and fish and wildlife enhancement on this basis shall be nonreimbursable.

(b) Notwithstanding the absence of an indication of intent as specified in subsection 2(a), lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project.

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project (which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation or fish and wildlife enhancement or both pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and will bear not less than one-half the costs of lands, facilities, and project modifications provided for either or both of those purposes, as the case may be, and all costs of operation, maintenance, and replacement attributable thereto), the remainder of the costs of lands, facil-

ities, and project modifications provided pursuant to this paragraph shall be nonreimbursable. Such agreement and subsequent development, however, shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of this subsection, the head of the agency having jurisdiction over the project may utilize the lands for any lawful purpose within the jurisdiction of his agency, or may transfer custody of the lands to another Federal agency for use for any lawful purpose within the jurisdiction of that agency, or may lease the lands to a non-Federal public body, or may transfer the lands to the Administrator of General Services for disposition in accordance with the surplus property laws of the United States. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed, and in every case preference shall be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential.

Sec. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the costs of operation, maintenance, and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be leased to non-Federal public bodies.

Sec. 5. Nothing herein shall be construed as preventing or discouraging post-authorization development of any project for recreation or fish and wildlife enhancement or both by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of projects costs to recreation or fish and wildlife enhancement.

Sec. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report on any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Act of 1965 (78 Stat. 897).

(b) The first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)) is amended to read as follows: "*Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities." The second proviso of subsection 2(d) of said Act is hereby repealed.

(c) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in land would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed \$28,000,000: *Provided*, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of

mitigating damages to migratory waterfowl caused by such water resources project.

(d) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended.

(e) Sections 2, 3, 4, and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities, authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(f) As used in this Act, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(g) Subsection 6(a)(2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b)(1) of this Act.

(h) All payments and repayment by non-Federal public bodies under the provisions of this Act, and revenue from the conveyance by deed, lease, or otherwise, of lands under subsection 3(b)(2) of this Act, shall be deposited in the Treasury as miscellaneous receipts.

SEC. 7. (a) The Secretary of the Interior is authorized as a part of any water resource development project under his control heretofore or hereafter authorized or reauthorized, except projects or areas within national wildlife refuges, to investigate, plan, construct, operate, and maintain or otherwise provide for public outdoor recreation and fish and wildlife enhancement facilities, to acquire or otherwise to include within the project area such adjacent lands or interests therein as are necessary for present or future public recreation, or fish and wildlife use, to provide for the public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes, and at projects hereafter authorized or reauthorized, to allocate water and reservoir capacity to recreation and fish and wildlife enhancement: *Provided*, That no appropriation shall be made for the construction of recreation or fish and wildlife facilities or the acquisition of land for such purposes at existing projects, which construction or acquisition has not heretofore been authorized by law, prior to the expiration of sixty calendar days (which sixty days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days) from the date on which the Secretary submits to the Congress a report thereon and then only if, within said sixty days, neither the House nor the Senate Committee on Interior and Insular Affairs disapproves such plan. Lands, facilities, and project modifications may be provided in accordance with subsection 3(b), hereof, at projects heretofore authorized.

(b) The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease agreement or exchange upon such terms and conditions as will best promote the

development and operation of such lands or facilities in the public interest for recreation and fish and wildlife enhancement purposes.

(c) No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation or fish and wildlife purposes under the authority of this section without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest, unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation or fish and wildlife development in connection with water resource projects or to disposition of public lands for such purposes.

SEC. 8. Nothing contained in this Act shall be taken to authorize or to sanction the construction under the Federal reclamation laws or under any Rivers and Harbors or Flood Control Act of any project in which the sum of the allocations to recreation and fish and wildlife enhancement exceeds the sum of the allocations to irrigation, hydroelectric power, municipal, domestic and industrial water supply, navigation, and flood control.

SEC. 9. As used in this Act—

(a) The term "project" shall mean a project or any appropriate unit thereof.

(b) The term "separable costs," as applied to any project purpose, means the difference between the capital cost of the entire multiple-purpose project and the capital cost of the project with the purpose omitted.

(c) The term "joint costs" means the difference between the capital cost of the entire multiple-purpose project and the sum of the separable costs for all project purposes.

(d) The term "capital cost" includes interest during construction, wherever appropriate.

SEC. 10. Section 2, subsection (a) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) is hereby amended by striking out the words "notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury:" and inserting in lieu thereof the words "notwithstanding any other provision of law:" and by striking out the words "or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law" and inserting in lieu thereof "or affect any contract heretofore entered into by the United States that provides that such revenues collected at particular Federal areas shall be credited to specific purposes".

SEC. 11. This Act may be cited as the "Federal Water Project Recreation Act".

Mr. HART. Mr. President, I move that the Senate disagree to the amendment of the House and request a con-

ference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. BIBLE, Mr. BURDICK, Mr. KUCHEL, and Mr. ALLOTT conferees on the part of the Senate.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF SECTION 316 OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. ELLENDER. Mr. President, there was sent from the House, House Joint Resolution No. 436, and I ask unanimous consent that the House joint resolution be considered and that we dispense with sending it to the Committee on Agriculture and Forestry. The matter has been cleared on both sides of the aisle. The joint resolution would extend the time within which 1965 tobacco allotment leases can be filed with the county committee until 20 days after enactment of the joint resolution. We have done this several times before. The law requires that in order to be valid a tobacco allotment lease must be filed with the county committee before a certain date prior to normal planting time. A few farmers have entered into leases which are in accordance with the law in every way, except that they were not filed with the county committee in time. This resolution would give these farmers an additional 20 days after its enactment to file their leases.

I understand there is no objection to it, and I ask unanimous consent that the joint resolution be considered.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 436) to amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed, in which it requested the concurrence of the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which was read twice by its title, ordered to a third reading, read the third time, and passed.

EXCISE TAX EXEMPTION FOR NEW HAMPSHIRE SWEEPSTAKES

Mr. MCINTYRE. Mr. President, it is my understanding that in the next few days the House Ways and Means Committee will report a bill to reduce excise taxes.

I also understand that the Senate Finance Committee does not intend to hold

hearings on the bill when it reaches the Senate.

I will support the excise tax reduction bill, which will follow President Johnson's message on this subject. The reductions called for by the President are long overdue, and President Johnson has my full support for his request.

Nevertheless, both the President's message and the bill to be reported in the House are grievously deficient in one respect. Under both the message and the bill, the Treasury will still continue to levy the single most unfair, most unreasonable excise tax ever devised; namely, the tax on receipts of the State of New Hampshire's program to raise public school assistance funds by the New Hampshire Sweepstakes.

To the best of my knowledge, no other State in the Union is forced to pay taxes on the money which it raises for its public schools. What makes this tax especially objectionable is the fact that it was not imposed by Congress as a tax on State efforts to raise funds for education, but as a tax on private wagering operations.

Furthermore, the wagering tax imposed by chapter 35 of the Internal Revenue Code does not apply to wagering at parimutuel races, lotteries held in private gambling casinos, or lotteries held by many tax-exempt corporations. Nevertheless, the Treasury claims that it does apply to the State of New Hampshire in the operation of the sweepstakes designed to provide funds for the operation of public schools.

Mr. President, I intend to press for the adoption of my amendment. I intend to take the floor of the Senate often in the weeks to come to describe the compelling reasons for exempting the New Hampshire Sweepstakes from the operation of chapter 35 of the Internal Revenue Code.

Mr. President, I ask unanimous consent to have the operative language of my amendment printed in the RECORD.

There being no objection, the language was ordered to be printed in the RECORD, as follows:

(a) Section 4402 of the Internal Revenue Code of 1954 (relating to exemptions from the tax on wagers) is amended by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting ", or", and by adding at the end thereof the following new paragraph:

"(3) STATE-CONDUCTED SWEEPSTAKES.—On any wager placed in a sweepstakes, wagering pool, or lottery—

"(A) which is conducted by an agency of a State acting under authority of State law, and

"(B) the ultimate winners in which are determined by the result of a horserace.

but only if such wager is placed with the State agency conducting such sweepstakes, wagering pool, or lottery, or with its authorized employees or agents."

(b) The amendment made by subsection (a) shall apply with respect to wagers placed after March 10, 1964.

SUMMARY OF MEDICARE TESTIMONY, MAY 3

Mr. HARTKE. Mr. President, yesterday the Finance Committee completed its public hearings on H.R. 6675, the

medicare bill. Each day beginning with May 4 I have offered for publication in the RECORD a short summary of main points of each witness's testimony, completely unofficial and prepared by my staff. I trust that this has been a useful service in connection with this most important legislation.

In order to complete the record of testimony by public witnesses, I ask unanimous consent that there may appear such a summary in the RECORD of the May 3 hearing, which was not published at the time.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

The Honorable Aime J. Forand, former Congressman from Rhode Island, now living in Bethesda, Md. As author of the Forand bill providing a program similar in aim to the present bill (H.R. 9467, 85th Congress; H.R. 4700, 86th Congress), gave full support and encouraged passage. Favors inclusion of radiologists, etc., in hospital coverage; would reduce inpatient deductible from \$40 to \$20.

Department of Social Security, AFL-CIO, Nelson H. Cruikshank, director:

1. Considers this "the most far-reaching proposals for the improvement of the economic security of American families through the mechanism of Social Security since the enactment of the original program 30 years ago." "Wholeheartedly supports," urges "speedy and favorable consideration."

2. Supports inclusion of radiologists, anesthesiologists, etc., in the basic hospital portion of the plan, instead of the voluntary portion.

3. Supports inclusion of tips as taxable earnings under Social Security.

4. Improvements in Social Security needed (but not recommended for inclusion in the bill) include: (1) adding additional drop-out years in computing average wage; (2) increasing widow's benefit to equal primary insurance amount; (3) general increase greater than the bill's 7 percent.

Chamber of Commerce of the United States, Karl T. Schlotterbeck, manager economic security department.

1. Chamber endorses: (1) cost-of-living benefit increase of 7 percent; (2) "transitional" old age benefits but would favor regular \$44 minimum instead of \$35; (3) extension of coverage to physicians—would favor including "all non-covered occupations and groups, both employed and the self-employed"; (4) approves increased tax rate for financing.

2. Opposes following provisions as unsound or not needed: (1) widows' benefits at 60; (2) easing of restrictions on work by the retired; (3) change in definition of disability.

3. Approve consolidation of public assistance vendor payments, but oppose additional Federal financial support.

4. Hospital benefits objective "can best be met through existing social security cash benefits program," rather than new service program.

5. Lack of a means test in the supplemental benefits program, while using General Treasury funds, "is unsound and should be rejected."

Council of State Chambers of Commerce, Leslie J. Dikovics, chairman, social security committee (31 State chamber organizations in council):

1. Oppose principle of providing services rather than cash benefits. Hospital and supplementary benefit provisions are "unnecessary and unwise."

2. "We urge you to reject the proposal to expand the taxable wage base," prefer increase in tax rates.

3. Disability definition (sec. 303) should

be removed; State workmen's compensation offset removed in 1958 should be restored.

National Social Welfare Assembly, Philip Bernstein, chairman, committee on social issues and policies, speaking for 18 organizations and more than 30 welfare leaders:

1. Urge "early favorable action" for this "landmark measure."

2. Specialty services (radiology, etc.) should be restored to hospital benefits.

3. "Strongly urge the elimination of all deductibles."

International Brotherhood of Teamsters, Sidney Zagrl, legislative counsel:

1. To prevent bilking practices prevalent under private insurance (unneeded operations, high fees, etc.), recommend:

(a) Costs and fees should be exclusive jurisdiction of HEW Secretary, to be delegated only to public agency authority.

(b) All fees should be on prevailing rates basis.

(c) No reimbursement to doctor unless he certifies his bill covers total charge.

(d) Fixed fee should be established for doctor certification of patient to a hospital, nursing home, or home care.

(e) Utilization review committees should be comprised of doctors outside of the hospital.

2. Sixty percent of all senior citizens have less than \$1,000 annual income. For all with under \$1,000, the deductions should be eliminated and full, instead of 80 percent reimbursement provided under voluntary plan.

3. Payment of radiologists, anesthesiologists, etc., should be under the hospital rather than supplementary benefits.

4. Supports Hartke drug stamp plan amendment.

ASSISTANCE TO CERTAIN STATES FOR RECONSTRUCTION OF AREAS DAMAGED BY RECENT FLOODS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 327) to provide assistance to the States of Oregon, Washington, California, and Idaho for the reconstruction of areas damaged by recent floods and high waters which were, to strike out all after the enacting clause and insert:

That Congress hereby recognizes (1) that the States of California, Oregon, Washington, Nevada, and Idaho have experienced extensive property loss and damage as the result of floods and high waters during December 1964, and January and February 1965, (2) that much of the affected area is federally owned and administered, and (3) that the livelihood of the people in the area is dependent on prompt restoration of transportation facilities, and therefore Congress declares the need for special measures designed to aid and accelerate those States in their efforts to provide for the reconstruction of devastated areas.

SEC. 2. There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, in addition to the amounts authorized in section 125 of title 23 of the United States Code, not to exceed \$50,000,000 for the fiscal year ending June 30, 1965, and not to exceed \$20,000,000 for the fiscal year ending June 30, 1966. Such sums shall be obligated and expended by the Secretary of Commerce in accordance with such section 125, and related provisions of title 23 of the United States Code for the repair and reconstruction of highways, roads, and trails, damaged as the result of a disaster.

SEC. 3. (a) Notwithstanding provisions of existing contracts, the Secretary of the Interior and the Secretary of Agriculture, separately, and as part of the regular road and trail construction program, shall reimburse timber sale contractors or otherwise arrange

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HOUSE

13. LANDS. The Interior and Insular Affairs Committee reported with amendment H. R. 903, to add certain lands to the Kings Canyon National Park, Calif. (H. Rept. 384). p. 11576
14. APPROPRIATIONS. The Appropriations Committee reported H. R. 8639 (H. Rept. 427) the Departments of State, Justice, and Commerce, the Judiciary, and related agencies appropriation bill, 1966. p. 11576
15. POVERTY. The Education and Labor Committee reported without amendment H. R. 8283, to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act (H. Rept. 428). p. 11576
16. CLAIMS. The Judiciary Committee reported with amendment H. R. 5024, to amend titles 10 and 14, U.S.C. and the Military Personnel and Civilian Employees' Claims Act of 1964, with respect to the settlement of claims against the U. S. by members of the uniformed services and civilian officers and employees of the U. S. for damage to, or loss of, personal property incident to their service (H. Rept. 382). p. 11576
17. WATER RESOURCES. Conferees were appointed on S. 1229, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs in connection with Federal water resource projects of the Corps of Engineers and the Bureau of Reclamation (p. 11532). Senate conferees have already been appointed.
18. CIGARETTE LABELING. The "Daily Digest" states that the Interstate and Foreign Commerce Committee voted to report with amendment (but did not actually report) H. R. 3014, to regulate the labeling and advertising of cigarettes. p. D456
19. FISH AND WILDLIFE. A subcommittee of the Merchant Marine and Fisheries Committee voted to report to the full committee H. R. 4227, to extend the term during which the Secretary of the Interior is authorized to make fisheries loans under the Fish and Wildlife Act of 1956; and H. R. 505, to increase the amount authorized to be appropriated annually to carry out the program for the conservation and restoration of the Hawaiian Nene goose, and to extend such program for an additional five years. p. D457
20. TARIFF; TAXATION. The "Daily Digest" states that the Ways and Means Committee voted to report (but did not actually report) H. R. 5768 to continue through June 30, 1966, the suspension of duties on certain classifications of yarn of silk; and H. R. 7502 (amended), relating to the income tax treatment of certain casualty losses attributable to major disasters; and H. R. 4493 (amended) to continue existing suspension of duties on metal scrap. p. D457
21. FOOD STAMP PROGRAM. Rep. Dulski commended the restoration of \$100,000,000 in the agricultural appropriations for the food stamp program. p. 11551
22. FAIR LABOR STANDARDS. Rep. Roosevelt commended and inserted the testimony of Labor Secretary Wirtz before the Education and Labor subcommittee on Fair Labor Standards Amendments of 1965. pp. 11551-4
23. ITEM VETO. Rep. Halpern urged support of his proposed amendment to the Constitution relative to disapproval of items in general appropriation bills. p. 11560

24. CONSERVATION. Rep. Ottinger urged enactment of his bill to provide for the establishment of the Hudson Highlands National Scenic Riverway, N. Y., and inserted a supporting article. pp. 11567-9
25. FARM PROGRAM. Rep. Schmidhauser stated that an Iowa farm poll indicated strong support for the food-for-peace and feed grains programs and opposition to the proposal to permit soybeans to be grown on diverted acres. pp. 11570
26. ELECTRIFICATION. Rep. Hansen, Iowa, paid tribute to the Rural Electrification Administration on its 30th anniversary. p. 11574
27. BARTER. Rep. Morris questioned the "administratively confidential" classification of USDA information on a barter withdrawal involving surplus commodities under Public Law 480 and inserted a USDA announcement. pp. 11550-1
28. LEGISLATIVE PROGRAM. Rep. Albert announced that on Tues. the House would consider the State, Justice, Commerce appropriation bill; on Wed. the bill to reduce excise taxes; on Thurs. and the balance of the week H. R. 4623, amending the Reorganization Act, and H. R. 8464, to provide a temporary increase in the public debt ceiling. pp. 11531-2

ITEMS IN APPENDIX

29. URBAN DEVELOPMENT. Rep. Stanton inserted an address, "The Best Word Is Contemporary--the Urban Challenge for America." pp. A2689-90
Extension of remarks of Rep. Rhodes opposing certain provisions of the proposed Housing and Urban Development Act and inserting an article. pp. A2714-8
30. POVERTY. Extension of remarks of Rep. Frelinghuysen criticizing the termination of hearings on the poverty bill "before hearing testimony which would have defined some of the serious and evident shortcomings of the Office of Economic Opportunity." pp. A2693-5
31. FARM LABOR. Extension of remarks of Rep. Cohelan stating that the migrant farm is the least adequately protected of all American workers and inserting an article on this subject. pp. A2695-6
32. ELECTRIFICATION. Extension of remarks of Rep. Michel criticizing REA programs and stating that "REA over the years has continuously waged a cold and often successful war to thwart the congressionally approved standards in the 1936 act." pp. A2696-7
Extension of remarks of Rep. Stephens paying tribute to REA. pp. A2708-9
33. SOYBEANS. Rep. Michel inserted an article, "Washington Digest: Soybean Exports Hurt by Shipping Subsidy." pp. A2699-700
Extension of remarks of Rep. Michel inserting an article, "...A New Soybean Oil for Export", and stating that it "points up the work being done to develop new uses for the soybean." pp. A2705-6
34. WHEAT; PUBLIC LAW 480. Rep. Michel inserted an article, "Nasser Raps U. S. Halt of Wheat Sales." pp. A2707-8
35. TOBACCO; APPROPRIATIONS. Speech in the House by Rep. Duncan during debate on the agricultural appropriation bill opposing the proposed amendment to prohibit use of funds for tobacco price supports. p. A2723

House of Representatives

THURSDAY, MAY 27, 1965

The House met at 12 o'clock noon. The Chaplain, Rev. Bernard Braskamp, D.D., used this verse of the Scriptures: Psalm 112: 6: *The righteous shall be in everlasting remembrance.*

Almighty God, on Memorial Day we approach a time that brings back not only a strange medley of memories, praises, sorrows, and disappointments, but of dreams and hopes and better days.

For some of us Memorial Day makes scenes, which are vivid and horrible and which, we pray God, we will some day be able to forget for mankind has suffered much, hoped much, and dreamed much, but the new age and better world that we expected has been wholly inadequate and is still without imperishable remembrance.

Those brave men and women, who fought those wars of the past, revealed an incredible heroism; they did not fear or falter or fail; they fought many great wars but we were guilty of making a little peace that did not touch the reverent imagination of humanity or become forever memorable in the annals of history.

May our vision of a lasting and enduring peace continue to grow and abide and prove its immortality for Thou hast created mankind not for failure but for victory and we must adjust our thinking and living to fit that eternal faith and hope and love.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On May 21, 1965:

H.R. 7064. An act to amend the Foreign Service Buildings Act of 1926, as amended; and

H.R. 7855. An act to authorize appropriations for procurement of small patrol cutters for the Coast Guard.

On May 22, 1965:

H.R. 66. An act to authorize the Board of Parole of the District of Columbia to discharge a parolee from supervision prior to the expiration of the maximum term or terms for which he was sentenced;

H.R. 3043. An act to amend title 37, United States Code, to authorize payment of special allowances to dependents of members of the

uniformed services to offset expenses incident to their evacuation, and for other purposes;

H.R. 4338. An act to authorize the Veterans of Foreign Wars of the United States to rent certain property in the District of Columbia for certain office purposes; and

H.J. Res. 195. Joint resolution to authorize the Commissioners of the District of Columbia to promulgate special regulations for the period of the American Legion National Convention of 1966, to be held in Washington, D.C.; to authorize the granting of certain permits to the American Legion 1966 Convention Corp. of the District of Columbia on the occasion of such convention, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 806. An act to amend the Textile Fiber Products Identification Act to permit the listing on labels of certain fibers constituting less than 5 percent of a textile fiber product;

H.R. 6691. An act to validate certain payments made to employees of the Forest Service, U.S. Department of Agriculture; and

H.R. 7031. An act to provide for the establishment and operation of a National Technical Institute for the Deaf.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6767. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1966, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HAYDEN, Mr. RUSSELL of Georgia, Mr. McCLELLAN, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. MUNDT, and Mr. YOUNG of North Dakota to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1564. An act to enforce the 15th amendment to the Constitution of the United States, and for other purposes; and

S. 1689. An act to amend paragraph (a) of the act of March 4, 1913, as amended by the act of January 31, 1931 (16 U.S.C. 502).

KURE BEACH, N.C.

Mr. GILBERT. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H.R. 821, "An act for the relief of the town of Kure Beach,

N.C.," with an amendment of the Senate thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

On page 2, line 12, strike out "in excess of 10 per centum thereof".

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CORRECTION OF VOTE

Mr. ABBITT. Mr. Speaker, on roll-call No. 105, I am recorded as not voting. I was present and voted "yea." I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

LEGISLATIVE PROGRAM FOR BALANCE OF THE WEEK AND NEXT WEEK

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the majority leader the program for the rest of this week and next week.

Mr. ALBERT. Mr. Speaker, if the minority leader will yield to me, I am pleased the gentleman made this inquiry at this time.

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. I would like to advise that we expect to finish up the legislative business for the week today and have a meeting tomorrow for the purpose of being able to go over until Tuesday. It will be my purpose after announcing the program to ask permission to do this.

Monday is Memorial Day holiday. There will be no session if my request is granted.

Tuesday is Private Calendar Day. Also on Tuesday the 1966 appropriations for State, Justice, Commerce, the judiciary, and related agencies. Also on Tuesday, H.R. 3584, the Federal Coal Mine Safety Act amendments, with an open rule and 2 hours of debate.

For Wednesday, H.R. 8371, to reduce excise taxes.

For Thursday and the balance of the week, H.R. 4623, further amending the Reorganization Act of 1949, with an open rule and 1 hour of debate, and H.R. 8464, to provide a temporary increase in the public debt ceiling for the period July 1, 1965, to June 30, 1966.

This program is made subject to the usual reservation that conference reports may be brought up at any time and that any further program will be announced later.

Mr. Speaker, it is quite possible we may have additions to announce to the program sometime next week.

ADJOURNMENT OVER TO TUESDAY, JUNE 1

Mr. ALBERT. Mr. Speaker, if the distinguished minority leader will yield, I ask unanimous consent that when the House adjourns tomorrow it adjourn to meet on Tuesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I shall not object, I did not quite understand the distinguished majority leader as to whether raising the debt ceiling is going to come to the House before the tax reduction bill or whether the tax reduction bill is going to come before the raising of the debt ceiling.

Mr. ALBERT. The tax reduction bill is coming up on Wednesday. The other bill later. There is no significance in the sequence. It is just a matter of when the bills are reported and rules are granted.

Mr. GROSS. I do not care to take the time of the House at this time, and I am sure the Speaker would not indulge me all of the time necessary under a reservation of objection, but I could argue a long time with the gentleman about the relationship of a debt increase to a cut in taxes.

Mr. ALBERT. I am sure the gentleman could.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. I thank the distinguished minority leader.

UNIFORM POLICIES WITH RESPECT TO RECREATION AND FISH AND WILDLIFE BENEFITS AND COSTS OF FEDERAL MULTIPURPOSE WATER RESOURCE PROJECTS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1229) to pro-

vide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multipurpose water resource projects, and for other purposes, with a House amendment thereto, insist upon the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, ROGERS of Texas, HALEY, SAYLOR, and SKUBITZ.

REORGANIZATION PLAN NO. 3 OF 1965—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 193)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Government Operations and ordered to be printed:

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 3 of 1965, prepared in accordance with the Reorganization Act of 1949, as amended, and providing for reorganization of the locomotive inspection activities of certain personnel employed by or attached to the Interstate Commerce Commission.

I have stressed that we must reorganize and modernize the Government's organization structure in order to focus responsibilities, increase efficiency, and meet present-day needs more effectively. The reorganization plan, which accords with recommendations made to me by the Interstate Commerce Commission, supports these objectives. It will make possible necessary changes in the organization and administration of the Commissioner's railroad safety operations.

The Commission's ability to organize and carry out most effectively its responsibilities for railroad safety is now severely limited by certain anachronistic provisions of the locomotive inspection statutes. These provisions go back to an earlier period before steam locomotives were replaced almost completely by diesel engines. At that time locomotive boilers were temperamental and dangerous, and special measures were required to enforce adequate safety standards. Present law specifies in detail the method of appointing locomotive inspectors, the functions to be performed by them, and the organization structure for administering inspection activities. While these provisions may have been suited to conditions 50 years ago, they are clearly inappropriate today.

Progress in railroad technology has not eliminated the need for locomotive inspection. Locomotive inspection is still essential for the safety of employees, passengers, and cargo. The Interstate Commerce Commission, however, properly should not be held to account for the performance of this important function as long as it lacks authority to make those changes in organization and operations which it deems necessary to meet current

safety needs and to promote maximum economy and efficiency. The primary purpose of the accompanying reorganization plan is to terminate outdated arrangements which now stand in the way of the most effective management of the Commission's railroad safety program.

Organizational flexibility is at present restricted by the statutory requirement that there be 50 locomotive inspection districts and at least 1 inspector for each such district. The number of inspectors and districts cannot be adjusted to accommodate to changes in workload or other relevant factors.

Locomotive inspection is rigidly separated from related railroad safety activities performed under the Interstate Commerce Commission. The locomotive inspection statutes restrict inspectors of locomotives to the inspection of locomotives only and prevent the inspection of locomotives (except brakes and safety appliances) by other Commission railroad safety personnel. Thus, the Commission is prevented from making the most effective utilization of its total staff of locomotive and train inspectors. In order to eliminate the present uneconomical duplicate visits to railroad yards and otherwise to promote the most economical and effective administration of its railroad safety responsibilities, the Commission should have the authority to assign staff to duties for which they may be qualified by training and experience. The reorganization plan will make this possible.

Organizational flexibility is hampered further by the provision for Presidential appointment and Senate confirmation of a Director and two Assistant Directors of Locomotive Inspection. Originally, these officials were to be selected with reference to their practical knowledge of the construction and repair of boilers. Later amendments broadened their responsibilities to embrace all parts of the locomotive and tender. These clearly are not policymaking positions, warranting Presidential appointment. As is now the case with other comparable positions where appointments should be based primarily on professional and technical qualifications, personnel supervising locomotive inspection functions should be appointed under the classified civil service.

By eliminating the present cumbersome restrictions on inspection districts, the duties of locomotive inspectors, and the appointment of the director and assistant directors of locomotive inspection, the plan will make it possible for the Commission to utilize its personnel more efficiently, integrate the work performed by locomotive inspectors with that performed by other Commission railroad safety inspectors, and take full advantage of recent improvements in the organization of the Commission's central office and field activities.

Upon the taking effect of the reorganization plan:

1. All functions of the Director of Locomotive Inspection, the Assistant Directors of Locomotive Inspection, and district locomotive inspectors will be transferred to the Interstate Commerce Commission. Suitable powers of delegation with respect to the functions so trans-

17. WATER RESOURCES. The "Daily Digest" states that the conferees "agreed to file a conference report on the differences between the Senate- and House-passed versions of S. 1229," the proposed Federal Water Project Recreation Act. p.D525
18. LEGISLATIVE PROGRAM. The "Daily Digest" states that on Tues. the House will consider the revised disaster relief bill and the bill to establish a Department of Housing and Urban Development. p. D524

ITEMS IN APPENDIX

19. HOUSING. Rep. Barrett inserted an editorial endorsing the proposed housing bill. pp. A2057-8
20. SOYBEANS. Extension of remarks of Rep. Michel stating that "Soybeans moved from near obscurity to third place currently among cash crops in this country, outranked in value only by corn and cotton", and inserting an article, "China Wants to Regain Hold on Soybean Market." pp. A2059-60
21. FUTURE FARMERS. Rep. Karth inserted a Minn. House of Representatives resolution commending the Minn. Future Farmers. p. A2064
22. BUDGET. Extension of remarks of Rep. Michel criticizing the administration's economic policies and inserting an article which "expresses a reasonable concern for the actions of Congress in handling the President's expensive economy..." pp. A2066-7

BILLS INTRODUCED

23. ELECTRIFICATION. S. 2139 by Sen. Magnuson, to amend section 202 of the Federal Power Act, as amended, to encourage and facilitate the construction of extra-high voltage electric transmission lines in the public interest; to Commerce Committee. Remarks of author pp. 12959-61
S. 2140 by Sen. Magnuson, to amend the Federal Power Act so as to require Federal Power Commission authority for the construction, extension, or operation of certain facilities for the transmission of electric energy in interstate commerce; to Commerce Committee. Remarks of author pp. 12959-61
24. PERSONNEL. H. R. 9020 by Rep. Dawson, to amend section 7 of the Administrative Expenses Act of 1946, as amended, to provide for the payment of travel cost for applicants invited by a department to visit it for purposes connected with employment; to Government Operations Committee.
H. R. 9030 by Rep. Olsen, Mont., to adjust the rates of basic compensation of certain officers and employees in the Federal Government; to Post Office and Civil Service Committee.
Rep.
25. TIME. H. R. 9023 by/Fulton, Pa., to provide a uniform period for daylight saving time; to Interstate and Foreign Commerce Committee.
26. AIR POLLUTION. H. R. 9024 by Rep. Helstoski, to amend the Clean Air Act to require standards for controlling the emission of pollutants from gasoline-powered or diesel-powered vehicles, to establish a Federal Air Pollution Control Laboratory; to Interstate and Foreign Commerce Committee.

27. FLAG. S. 2137 by Rep. Case, to amend the rules pertaining to the display and use of the flag of the United States by requiring the display thereof whenever the flag of a State, or of a political subdivision thereof, or the flag or pennant of a society is displayed; to Judiciary Committee. Remarks of author p. 12958
28. RIVER ROAD. S. 2143 by Sen. McCarthy, to provide assistance to certain States bordering the Mississippi River in the construction of the Great River Road; to Interior and Insular Affairs Committee. Remarks of author p. 12964
29. MILK. H. R. 9031 by Rep. Quie, to amend the Public Health Service Act to protect the public from unsanitary milk and milk products shipped in interstate commerce to Interstate and Foreign Commerce Committee.

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COMMITTEE HEARINGS JUNE 15:

Feed grain bill, H. Agriculture (exec).

Pay bill, H. Post Office.

Public works and economic development, H. Public Works (exec).

Housing bill, H. Rules.

Cigarette advertising and labeling, H. Rules.

oOo

Joint Committee Meetings

WATER PROJECTS RECREATION ACT

Conferees, in executive session, agreed to file conference report on the differences between the Senate- and House-passed versions of S. 1229, proposed Federal Water Project Recreation Act.

APPROPRIATIONS—INTERIOR

Conferees, in executive session, agreed to file conference report on the differences between the Senate- and House-passed versions of H.R. 6767, fiscal 1966 appropriations for the Department of the Interior, and related agencies.

BILLS SIGNED BY THE PRESIDENT

New Laws

(For last listing of public laws, see DIGEST, p. D505, June 9, 1965)

S. 800, authorizing funds for aircraft, missiles, and naval vessels, and for research and development for the military for fiscal year 1966. Signed June 11, 1965 (P.L. 89-37).

H.R. 821, for the relief of the town of Kure Beach, N.C. Signed June 12, 1965 (P.L. 89-38).

COMMITTEE MEETINGS FOR TUESDAY, JUNE 15

(All meetings are open unless otherwise designated)

Senate.

Committee on Appropriations, subcommittee, on H.R. 8639, State, Justice, Commerce appropriations, to hear Secretary of Commerce Connor, 10 a.m., room S-126, Capitol.

Subcommittee, on H.R. 8775, legislative branch appropriations, 10 a.m., 1223 New Senate Office Building.

Subcommittee, on H.R. 7997, independent offices appropriations, 10 a.m., room S-128, Capitol.

Committee on Armed Services, executive, to mark up S. 1771 (H.R. 8439), military construction authorizations bill, 10 a.m., 212 Old Senate Office Building.

Committee on Commerce, Surface Transportation Subcommittee, on S. 1588, re high-speed ground transportation, 9 a.m., 5110 New Senate Office Building.

Committee on Finance, to hear Secretary of the Treasury Fowler on H.R. 8464, to increase the public debt limit, to be followed by executive meeting to consider this bill, 10 a.m., 2221 New Senate Office Building.

Committee on the Judiciary, Immigration and Naturalization Subcommittee, on S. 500, and other pending measures proposing amendments to the immigration laws, 10:30 a.m., 2228 New Senate Office Building.

Subcommittees on Constitutional Rights and Improvements in Judicial Machinery, to hold joint hearings on S. 1357, proposed Bail Reform Act, to hear Deputy Attorney General Ramsey

Clark, and others, 10:30 a.m., room G-308 (auditorium), New Senate Office Building.

Committee on Labor and Public Welfare, Subcommittee on Health, on S. 597, proposed Medical Library Assistance Act, 10 a.m., 4232 New Senate Office Building.

House

Committee on Agriculture, executive, on the consideration of the feed grain bill, 10 a.m., 1301 Longworth House Office Building.

Committee on Armed Services, executive, on military pay increase, 10 a.m., 2118 Rayburn House Office Building.

Committee on Banking and Currency, hearing on H.R. 7371, a bill to plug loopholes in the Bank Holding Company Act of 1956, 10 a.m., 2128 Rayburn House Office Building.

Committee on Education and Labor, General Subcommittee on Labor, on H.R. 8998 and H.R. 8999, re equal employment opportunity, 9:45 a.m., 2175 Rayburn House Office Building;

General Subcommittee on Education, hearing on H.R. 7309, teacher preparation programs, 9:30 a.m., 2257 Rayburn House Office Building.

Committee on Foreign Affairs, Subcommittee on Africa, hearing on African Students and Study Programs in the U.S., 10 a.m., 2200 Rayburn House Office Building;

Subcommittee on State Department Organizations and Foreign Operations, executive, to continue on H.R. 6277, Foreign Service Act, 10:30 a.m., 2255 Rayburn House Office Building; and

Subcommittee on Inter-American Affairs, executive, markup of H.R. 7622, the Cuban claims bill, 2:30 p.m., 2255 Rayburn House Office Building.

Committee on Government Operations, Research and Technical Programs Subcommittee, hearing on conflicts between the Federal research programs and the Nation's goals for higher education, 10 a.m., 2247 Rayburn House Office Building;

Subcommittee on Executive and Legislative Reorganization, on H.R. 7305, to require the Council of Economic Advisers to advise the President regarding the effect of the importation of petroleum and petroleum products on employment in the U.S. 10 a.m., 2203 Rayburn House Office Building;

Subcommittee on Natural Resources and Power, executive, on pending legislation, 10 a.m., 2251 Rayburn House Office Building.

Committee on Interior and Insular Affairs, Subcommittee on Territorial and Insular Affairs, on H.R. 555 and related bills, re Antarctica study and research programs; H.R. 3433, to provide that the Secretary of the Interior shall convey certain real property to the Commonwealth of Puerto Rico; H.R. 8720, to amend the Organic Act of Guam; and H.R. 8721, to amend the Revised Organic Act of the Virgin Islands to provide for the payment of legislative salaries and expenses by the government of the Virgin Islands, 9:45 a.m., 1324 Longworth House Office Building.

Committee on Interstate and Foreign Commerce, Subcommittee on Public Health and Welfare, continuation of hearings on Clean Air Act, 10 a.m., 2123 Rayburn House Office Building;

Subcommittee on Transportation, continuation of hearings to amend the Railway Labor Act, re National Railroad Adjustment Board, 10 a.m., 2218 Rayburn House Office Building.

Committee on Merchant Marine and Fisheries, Subcommittee on Merchant Marine, continue hearings on H.R. 728, to broaden the vessel exchange provisions of the Merchant Marine Act; and

Next meeting of the SENATE

12:00 noon, Tuesday, June 15

Next meeting of the HOUSE OF REPRESENTATIVES

12:00 noon, Tuesday, June 15

H.R. 729, to amend the Merchant Marine Act, 10 a.m., 1334 Longworth House Office Building.

Committee on Post Office and Civil Service, Subcommittee on Postal Facilities and Modernization, executive, on H.R. 5180, re ZIP code, 9 a.m., 215-A Cannon House Office Building;

Subcommittee on Compensation, hearing on pay increase, 10 a.m., 215 Cannon House Office Building.

Committee on Public Works, executive, on S. 1648, the Public

Works and Economic Development Act, 1965, 9:30 a.m., 2167 Rayburn House Office Building.

Committee on Rules, meeting on H.R. 7984, the omnibus housing bill; and H.R. 3014, the cigarette advertising and labeling bill, 10:30 a.m., H-313 U.S. Capitol Building.

Committee on Ways and Means, executive, to continue on H.R. 6960, U.S.-Canada Automotive Products Agreement, 10 a.m., committee room, Longworth House Office Building.



Congressional Record

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Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE

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HIGHLIGHTS. House passed cigarette labeling bill. House committee reported public works and economic development bill. House Rules Committee cleared poverty bill. House committee approved feed grains title of farm bill.

HOUSE

1. CIGARETTE LABELING. Passed with amendment S. 559, to regulate the labeling of cigarettes. House conferees were appointed. pp. 13897-913
2. PUBLIC WORKS; ECONOMIC DEVELOPMENT. The Public Works Committee reported with amendment S. 1648, the proposed Public Works and Economic Development Act of 1965 (H. Rept. 539). p. 13943
3. POVERTY. The Rules Committee reported a resolution for consideration of H. R. 8283, to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunities Act of 1964. p. 13943

4. FEED GRAINS. The Agriculture Committee "approved the feed grains title, as amended by the subcommittee" on H. R. 7097, the farm bill. pp. D557-8
5. APPROPRIATIONS. Passed with amendment H. R. 9220, the public works appropriation bill, which includes funds for St. Lawrence Seaway Development Corporation, Tennessee Valley Authority, Delaware River Basin Commission, Bureau of Reclamation, etc. pp. 13870-9)
Made it in order to consider a continuing resolution any day next week.
p. 13867
6. WATER PROJECTS. Received the conference report on S. 1229, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects (H. Rept. 538). pp. 13867-70
7. DISASTER RELIEF. Rep. Culver spoke in favor of amending the Agriculture Acts to "take into consideration floods and other natural disasters in reference to the feed grains, cotton, and wheat programs for 1965." p. 13942
8. LEGISLATIVE PROGRAM. The Majority Leader announced that the poverty bill would be taken up following the defense appropriation bill. pp. 13942-3

SENATE

9. D. C. APPROPRIATION BILL. Passed with amendments this bill, H. R. 6453. Conferees were appointed. pp. 13819-20, 13824-38
10. EXPORT CONTROL. The Banking and Currency Committee voted to report (but did not actually report) H. R. 7105, to continue the Export Control Act for 4 years. p. D555
11. TRANSPORTATION. The Commerce Committee voted to report (but did not actually report) S. 1098, to amend the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply (amended); and S. 1727, to provide for strengthening and improving the national transportation system (amended). p. D555
12. RESEARCH. The Commerce Committee voted to report (but did not actually report) S. 949, to promote economic growth by supporting State and regional centers to place the findings of science usefully in the hands of American enterprise (amended). p. D555
13. TRADE FAIRS. The Commerce Committee voted to report (but did not actually report) H. R. 4525, to continue authority to develop American-flag carriers and promote the foreign commerce of the U. S. through the use of mobile trade fairs. p. D555
14. EDUCATION. Sen. Yarborough spoke in support of his bill, S. 9, the GI education bill, and inserted several letters commending the bill. pp. 13816-7
15. ANIMAL DISEASE. Sen. Aiken inserted a USDA release, "Vermont Holds Three National Records in Animal Disease Eradication, USDA Reports." p. 13802
16. SOIL CONSERVATION. Sen. Hill inserted an editorial, "Charging for SCS Service-- A Bad Move." p. 13807

UNIFORM POLICIES ON MULTIPLE-PURPOSE WATER RESOURCE PROJECTS

JUNE 22, 1965.—Ordered to be printed

Mr. ASPINALL, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany S. 1229]

R E P O R T

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1229) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter inserted by the House amendment insert the following: *That it is the policy of the Congress and the intent of this Act that (a) in investigating and planning any Federal navigation, flood control, reclamation, hydroelectric, or multiple-purpose water resource project, full consideration shall be given to the opportunities, if any, which the project affords for outdoor recreation and for fish and wildlife enhancement and that, wherever any such project can reasonably serve either or both of these purposes consistently with the provisions of this Act, it shall be constructed, operated, and maintained accordingly; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are included or proposed for*

inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

SEC. 2. (a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation or fish and wildlife enhancement or for both of these purposes pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and to bear not less than one-half the separable costs of the project allocated to either or both of said purposes, as the case may be, and all the costs of operation, maintenance, and replacement incurred therefor—

(1) the benefits of the project to said purpose or purposes shall be taken into account in determining the economic benefits of the project;

(2) costs shall be allocated to said purpose or purposes and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: Provided, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means; and

(3) not more than one-half the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable.

Projects authorized during the calendar year 1965 may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of any project to which this subsection is applicable.

(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interest, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest as a rate comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: Provided, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and are made subject to review and renegotiation at intervals of not more than five years.

SEC. 3. (a) No facilities or project modifications which will furnish recreation or fish and wildlife enhancement benefits shall be provided in the absence of the indication of intent with respect thereto specified in subsection 2(a) of this Act unless (1) such facilities or modifications serve other project purposes and are justified thereby without regard to such incidental recreation or fish and wildlife enhancement benefits as

they may have or (2) they are minimum facilities which are required for the public health and safety and are located at access points provided by roads existing at the time of project construction or constructed for the administration and management of the project. Calculation of the recreation and fish and wildlife enhancement benefits in any such case shall be based on the number of visitor-days anticipated in the absence of recreation and fish and wildlife enhancement facilities or modifications except as hereinbefore provided and on the value per visitor-day of the project without such facilities or modifications. Project costs allocated to recreation and fish and wildlife enhancement on this basis shall be nonreimbursable.

(b) Notwithstanding the absence of an indication of intent as specified in subsection 2(a), lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project:

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project (which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation or fish and wildlife enhancement or both pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and will bear not less than one-half the costs of lands, facilities, and project modifications provided for either or both of those purposes, as the case may be, and all costs of operation, maintenance, and replacement attributable thereto), the remainder of the costs of lands, facilities, and project modifications provided pursuant to this paragraph shall be nonreimbursable. Such agreement and subsequent development, however, shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of this subsection, the head of the agency having jurisdiction over the project may utilize the lands for any lawful purpose within the jurisdiction of his agency, or may offer the land for sale to its immediate prior owner or his immediate heirs at its appraised fair market value as approved by the head of the agency at the time of offer or, if a firm agreement by said owner or his immediate heirs is not executed within ninety days of the date of the offer, may transfer custody of the lands to another Federal agency for use for any lawful purpose within the jurisdiction of that agency, or may lease the lands to a non-Federal public body, or may transfer the lands to the Administrator of General Services for disposition in accordance with the surplus property laws of the United States. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed, and in every case except that of an offer to purchase made, as hereinbefore provided, by the prior owner or his heirs preference shall be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential.

SEC. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and

fish and wildlife enhancement purposes and to bear the costs of operation, maintenance, and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be leased to non-Federal public bodies.

SEC. 5. Nothing herein shall be construed as preventing or discouraging postauthorization development of any project for recreation or fish and wildlife enhancement or both by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

SEC. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report of any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897).

(b) The first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)), is amended to read as follows: "Provided, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities." The second proviso of subsection 2(d) of said Act is hereby repealed.

(c) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed \$28,000,000: Provided, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

(d) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended.

(e) Sections 2, 3, 4, and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

(f) As used in this Act, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

(g) Subsection 6(a)(2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and

fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b)(1) of this Act.

(h) All payments and repayment by non-Federal public bodies under the provisions of this Act shall be deposited in the Treasury as miscellaneous receipts, and revenue from the conveyance by deed, lease, or otherwise, of lands under subsection 3(b)(2) of this Act shall be deposited in the Land and Water Conservation Fund Act of 1965.

SEC. 7. (a) The Secretary is authorized, in conjunction with any reservoir heretofore constructed by him pursuant to the Federal reclamation laws or any reservoir which is otherwise under his control, except reservoirs within national wildlife refuges, to investigate, plan, construct, operate and maintain, or otherwise provide for public outdoor recreation and fish and wildlife enhancement facilities, to acquire or otherwise make available such adjacent lands or interests therein as are necessary for public outdoor recreation or fish and wildlife use, and to provide for public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes: Provided, That not more than \$100,000 shall be available to carry out the provisions of this subsection at any one reservoir. Lands, facilities and project modifications for the purposes of this subsection may be provided only after an agreement in accordance with subsection 3(b) of this Act has been executed.

(b) The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease agreement or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation and fish and wildlife enhancement purposes.

(c) No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation or fish and wildlife purposes under the authority of this section without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: Provided, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation or fish and wildlife development in connection with water resource projects or to disposition of public lands for such purposes.

SEC. 8. Effective on and after July 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority

shall engage in the preparation of any feasibility report under reclamation law with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law, any other provision of law to the contrary notwithstanding.

SEC. 9. Nothing contained in this Act shall be taken to authorize or to sanction the construction under the Federal reclamation laws or under any Rivers and Harbors or Flood Control Act of any project in which the sum of the allocations to recreation and fish and wildlife enhancement exceeds the sum of the allocations to irrigation, hydroelectric power, municipal, domestic and industrial water supply, navigation, and flood control, except that this section shall not apply to any such project for the enhancement of anadromous fisheries, shrimp, or for the conservation of migratory birds protected by treaty, when each of the other functions of such a project has, of itself, a favorable benefit-cost ratio.

SEC. 10. As used in this Act:

(a) The term "project" shall mean a project or any appropriate unit thereof.

(b) The term "separable costs," as applied to any project purpose, means the difference between the capital cost of the entire multiple-purpose project and the capital cost of the project with the purpose omitted.

(c) The term "joint costs" means the difference between the capital cost of the entire multiple-purpose project and the sum of the separable costs for all project purposes.

(d) The term "feasibility report" shall mean any report of the scope required by the Congress when formally considering authorization of the project of which the report treats.

(e) The term "capital cost" includes interest during construction, wherever appropriate.

SEC. 11. Section 2, subsection (a) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) is hereby amended by striking out the words "notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury:" and inserting in lieu thereof the words "notwithstanding any other provision of law:" and by striking out the words "or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law" and inserting in lieu thereof "or affect any contract heretofore entered into by the United States that provides that such revenues collected at particular Federal areas shall be credited to specific purposes".

SEC. 12. This Act may be cited as the "Federal Water Project Recreation Act".

And the House agree to the same.

WAYNE N. ASPINALL,
WALTER ROGERS,
JAMES A. HALEY,
JOHN P. SAYLOR,
JOE SKUBITZ,

Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
QUENTIN N. BURDICK,
GORDON ALLOTT,

Managers on the Part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 1229, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes, submit this statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report. The language agreed upon is essentially the language of the House amendment except as herein noted.

Reacquisition rights of prior landowners

Section 3(b)(2) of S. 1229 relates to the situation where a construction agency has acquired lands to preserve the recreation and fish and wildlife enhancement potential of a project and there has been no interest by a local public body in developing such potential during the specified 10-year period. In these circumstances, the Secretary must make a decision with respect to further use or disposition of the land.

The language of the Senate-passed bill required the head of the construction agency to first offer the land for sale to the immediate prior owner at its appraised fair market value. If it were not disposed of in this manner within 90 days he would have had to determine whether the lands were to be put to other use or reported as excess to the General Services Administration for disposition.

The language of the House-passed bill provided that the head of the construction agency may (1) utilize the lands for any other lawful purpose within the jurisdiction of his agency, (2) transfer custody of the lands to another Federal agency for any lawful purpose within the jurisdiction of that agency, (3) lease the lands to any non-Federal public body, or (4) transfer the lands to the General Services Administration for disposition.

Both the Senate language and the House language provided that in no case shall the lands be used or made available for any purpose in conflict with the purposes for which the project was constructed. The House language provided, in addition, that preference be given to uses which promote the recreation and fish and wildlife potential.

The language agreed upon by the conference committee follows:

SEC. 3. (b)(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of this subsection, the head of the agency having jurisdiction over the project may utilize the lands for any lawful purpose within the jurisdiction of his agency, or may offer the land for sale to its immediate prior owner or his immediate heirs at its appraised fair market value as approved by the head of the agency at the time of offer or, if a firm agreement by said owner or his immediate heirs is not executed within ninety days of the date of the offer,

may transfer custody of the lands to another Federal agency for use for any lawful purpose within the jurisdiction of that agency, or may lease the lands to a non-Federal public body, or may transfer the lands to the Administrator of General Services for disposition in accordance with the surplus property laws of the United States. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed, and in every case except that of an offer to purchase made, as hereinbefore provided, by the prior owner or his heirs preference shall be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential.

This language is intended to require the head of the construction agency, if he has no authority to utilize the lands for some other needed and justified purpose, to first offer the lands for sale to the immediate prior owner or his immediate heirs at the appraised fair market value. If the lands are not disposed of in this manner within 90 days, the head of the construction agency may (1) transfer custody of the lands to another Federal agency that needs the lands and has authority to utilize them; (2) lease the lands to any non-Federal public body; or (3) transfer the lands to the General Services Administration for disposition. In the event the prior owner or his immediate heirs cannot readily be found, it is the intent of the conferees that 30-day notice be given by publication in a local newspaper or newspapers of wide circulation in the project area, the 90-day period to begin to run with the first publication of notice in this way. The lands can be used or made available for any purpose not in conflict with the purposes for which the project was constructed and, except in connection with an offer to sell to the immediate prior owner or his immediate heirs, preference must be given to uses which promote the recreation and fish and wildlife enhancement potential of the project.

Recreation development at existing projects

Section 7 of S. 1229 as passed by the Senate authorized the Secretary of the Interior to construct and operate recreation facilities at projects heretofore authorized, provided the cost for such facilities for any one project does not exceed \$50,000.

The language of section 7(a) of the House-passed bill authorized the Secretary to construct and operate recreation facilities and acquire lands for such purpose at any existing project or project hereafter authorized but, with respect to existing projects, no appropriation for land acquisition or development could be made until 60 legislative days after a report recommending such development had been submitted to the Congress and then only if neither the House nor the Senate Committee on Interior and Insular Affairs had disapproved such proposal.

In lieu of the language in the two bills, the conference committee adopted language making section 7(a) applicable only to projects heretofore constructed by or under the control of the Secretary of the Interior and providing authority for both the construction of recreation facilities and the acquisition of lands provided the Federal

cost for both development and acquisition at any one reservoir does not exceed \$100,000. The development could go forward only under an agreement with a local public body for cost sharing and administration.

Feasibility reports on reclamation projects

Section 9 of S. 1229 as passed by the Senate contained language prohibiting the preparation by or under the authority of the Secretary of the Interior of any feasibility report on a water resource project unless it had been specifically authorized by law or unless such preparation had been specifically directed by either the Senate Committee on Interior and Insular Affairs or the House Committee on Interior and Insular Affairs.

There was no similar provision in the House-passed bill.

The conference committee agreed upon language in section 8 which requires prior approval by the Congress of any studies and investigations leading to the preparation of a feasibility report on a reclamation project. The term "feasibility report" is defined in section 10 to mean any report of the scope required by the Congress when formally considering authorization of a project. It does not include such preliminary studies as normally go into the making of reconnaissance-grade reports.

Extent of allocations to recreation and fish and wildlife

The language of the House-passed bill contained a provision which, in effect, means that projects in which the sum of the allocations to recreation and fish and wildlife enhancement exceeds the sum of the allocations to the other project purposes should not be recommended for authorization and construction under Federal reclamation laws or under any Rivers and Harbors or Flood Control Act.

There was no similar provision in the Senate-passed bill.

The conference committee retained this language but exempted from its coverage any project for the enhancement of anadromous fisheries, shrimp, or the conservation of migratory birds protected by treaty, when each of the other functions of such a project has, of itself, a favorable benefit-cost ratio.

Acquisition of lands for migratory waterfowl refuges

The provision in the House-passed bill placing a \$28 million ceiling on expenditures for lands acquired by construction agencies for the establishment of migratory waterfowl refuges in connection with water resource projects was retained by the conference committee. The conference committee wants it clearly understood that this is a limitation on expenditures and is not itself an authorization for land acquisition. The authorization for the appropriation of funds to acquire lands for these migratory waterfowl refuges will be considered on a case-by-case basis in connection with the authorization of individual water resource projects.

WAYNE N. ASPINALL,
WALTER ROGERS,
JAMES A. HALEY,
JOHN P. SAYLOR,
JOE SKUBITZ,

Managers on the Part of the House.

House of Representatives

TUESDAY, JUNE 22, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Corinthians 5: 9: *Wherefore we labour that we may be accepted of God.*

Almighty God, whose divine sovereignty we cannot deny or disobey, inspire us during this day with a clear and commanding vision of the helpful service we may render together for the welfare of our country and all mankind.

Grant that Thy servants, who have been entrusted with positions of leadership in the affairs of state, may be wise in directing our Nation in the ways of righteousness and peace.

In these times of crisis and confusion, may we understand that it is our sacred privilege and highest wisdom to commend and commit ourselves to the light and leading of Thy spirit.

May we be assured that when we avail ourselves of Thy counsel and companionship, which Thou hast placed at our disposal, then no task will be too difficult and no responsibility too heavy.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of the clerks, announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 360. An act for the establishment of the Indiana Dunes National Lakeshore, and for other purposes.

The message also announced that the Presiding Officer of the Senate, pursuant to Public Law 115, 78th Congress, entitled "An act to provide for the disposal of certain records of the U.S. Government," appointed Mr. MONRONEY and Mr. CARLSON members of the joint select committee on the part of the Senate for the disposition of executive papers referred to in the report of the Archivist of the United States numbered 65-12.

CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 1966

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order any day next week to consider a House joint resolution making continuing appropriations for the fiscal year 1966.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CALL OF THE HOUSE

Mr. EVERETT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 148]

Ashley	Harvey, Ind.	Moss
Blatnik	Hawkins	Nedzi
Bonner	Hays	Philbin
Bow	Holland	Powell
Brown, Ohio	Horton	Redlin
Buchanan	Ichord	Rivers, Alaska
Colmer	Kee	Rivers, S.C.
Conyers	Landrum	Roncallo
Cramer	Leggett	Sickles
Cunningham	Lindsay	Teague, Tex.
Dickinson	McEwen	Thomas
Duncan, Oreg.	McVicker	Toll
Evans, Colo.	Machen	Willis
Flood	Mackie	Wilson
Griffin	Martin, Mass.	Charles H.
Hall	May	Zablocki

The SPEAKER. On this rollcall 390 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

UNIFORM POLICIES WITH RESPECT TO RECREATION AND FISH AND WILDLIFE BENEFITS AND COSTS

Mr. ASPINALL submitted the following conference report and statement on the bill (S. 1229) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 538)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1229) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter inserted by the House amendment insert the following:

"That it is the policy of the Congress and the intent of this Act that (a) in investigating and planning any Federal navigation, flood control, reclamation, hydroelectric, or multiple-purpose water resource project, full consideration shall be given to the opportunities, if any, which the project affords for outdoor recreation and for fish and wildlife enhancement and that, wherever any such project can reasonably serve either or both

of these purposes consistently with the provisions of this Act, it shall be constructed, operated, and maintained accordingly; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are included or proposed for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

"Sec. 2. (a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation or fish and wildlife enhancement or for both of these purposes pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and to bear not less than one-half the separable costs of the project allocated to either or both of said purposes, as the case may be, and all the costs of operation, maintenance, and replacement incurred therefor—

"(1) the benefits of the project to said purpose or purposes shall be taken into account in determining the economic benefits of the project;

"(2) costs shall be allocated to said purpose or purposes and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means; and

"(3) not more than one-half the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be nonreimbursable.

Projects authorized during the calendar year 1965 may include recreation and fish and wildlife enhancement on the foregoing basis without the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of any project to which this subsection is applicable.

"(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at

a rate comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and are made subject to review and renegotiation at intervals of not more than five years.

"SEC. 3. (a) No facilities or project modifications which will furnish recreation or fish and wildlife enhancement benefits shall be provided in the absence of the indication of intent with respect thereto specified in subsection 2(a) of this Act unless (1) such facilities or modifications serve other project purposes and are justified thereby without regard to such incidental recreation or fish and wildlife enhancement benefits as they may have or (2) they are minimum facilities which are required for the public health and safety and are located at access points provided by roads existing at the time of project construction or constructed for the administration and management of the project. Calculation of the recreation and fish and wildlife enhancement benefits in any such case shall be based on the number of visitor days anticipated in the absence of recreation and fish and wildlife enhancement facilities or modifications except as hereinbefore provided and on the value per visitor-day of the project without such facilities or modifications. Project costs allocated to recreation and fish and wildlife enhancement on this basis shall be nonreimbursable.

"(b) Notwithstanding the absence of an indication of intent as specified in subsection 2(a), lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project.

"(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project (which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation or fish and wildlife enhancement or both pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and will bear not less than one-half the costs of lands, facilities, and project modifications provided for either or both of those purposes, as the case may be, and all costs of operation, maintenance, and replacement attributable thereto), the remainder of the costs of lands, facilities, and project modifications provided pursuant to this paragraph shall be nonreimbursable. Such agreement and subsequent development, however, shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

"(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of this subsection, the head of the agency having jurisdiction over the project may utilize the lands for any lawful purpose within the jurisdiction of his agency, or may offer the land for sale to its immediate prior owner or his immediate heirs at its appraised fair market value as approved by the head of the agency at the time of offer or, if a firm agreement by said owner or his immediate heirs is not executed within ninety days of the date of the offer, may transfer custody of the lands to another Federal agency for use for any lawful purpose within the jurisdiction of that agency, or may lease the lands to a non-Federal public body, or may transfer the lands to the Administrator of General Services for disposition in accordance with the surplus property laws of the United States. In no case shall the lands be used or made avail-

able for use for any purpose in conflict with the purposes for which the project was constructed, and in every case except that of an offer to purchase made, as hereinbefore provided, by the prior owner or his heirs preference shall be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential.

"SEC. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the costs of operation, maintenance, and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be leased to non-Federal public bodies.

"SEC. 5. Nothing herein shall be construed as preventing or discouraging postauthorization development of any project for recreation or fish and wildlife enhancement or both by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

"SEC. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report of any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897).

"(b) The first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)) is amended to read as follows: '*Provided*, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities.' The second proviso of subsection 2(d) of said Act is hereby repealed.

"(c) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed \$28,000,000: *Provided*, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

"(d) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended.

"(e) Sections 2, 3, 4, and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an

authorized Federal program for the conservation and development of fish and wildlife.

"(f) As used in this Act, the term 'nonreimbursable' shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

"(g) Subsection 6(a)(2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b)(1) of this Act.

"(h) All payments and repayment by non-Federal public bodies under the provisions of this Act shall be deposited in the Treasury as miscellaneous receipts, and revenue from the conveyance by deed, lease, or otherwise, of lands under subsection 3(b)(2) of this Act shall be deposited in the Land and Water Conservation Fund Act of 1965.

"SEC. 7. (a) The Secretary is authorized, in conjunction with any reservoir heretofore constructed by him pursuant to the Federal reclamation laws or any reservoir which is otherwise under his control, except reservoirs within national wildlife refuges, to investigate, plan, construct, operate and maintain, or otherwise provide for public outdoor recreation and fish and wildlife enhancement facilities, to acquire or otherwise make available such adjacent lands or interests therein as are necessary for public outdoor recreation or fish and wildlife use, and to provide for public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes: *Provided*, That not more than \$100,000 shall be available to carry out the provisions of this subsection at any one reservoir. Lands, facilities and project modifications for the purposes of this subsection may be provided only after an agreement in accordance with subsection 3(b) of this Act has been executed.

"(b) The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease agreement or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation and fish and wildlife enhancement purposes.

"(c) No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation or fish and wildlife purposes under the authority of this section without the consent of the head of such agency; and the head of any such agency is authorized to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior

granted by existing provisions of law relating to recreation or fish and wildlife development in connection with water resource projects or to disposition of public lands for such purposes.

"Sec. 8. Effective on and after July 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report under reclamation law with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law, any other provision of law to the contrary notwithstanding.

"Sec. 9. Nothing contained in this Act shall be taken to authorize or to sanction the construction under the Federal reclamation laws or under any Rivers and Harbors or Flood Control Act of any project in which the sum of the allocations to recreation and fish and wildlife enhancement exceeds the sum of the allocations to irrigation, hydroelectric power, municipal, domestic and industrial water supply, navigation, and flood control, except that this section shall not apply to any such project for the enhancement of anadromous fisheries, shrimp, or for the conservation of migratory birds protected by treaty, when each of the other functions of such a project has, of itself, a favorable benefit-cost ratio.

"Sec. 10. As used in this Act—

"(a) The term 'project' shall mean a project or any appropriate unit thereof.

"(b) The term 'separable costs,' as applied to any project purpose, means the difference between the capital cost of the entire multiple-purpose project and the capital cost of the project with the purpose omitted.

"(c) The term 'joint costs' means the difference between the capital cost of the entire multiple-purpose project and the sum of the separable costs for all project purposes.

"(d) The term 'feasibility report' shall mean any report of the scope required by the Congress when formally considering authorization of the project of which the report treats.

"(e) The term 'capital cost' includes interest during construction, wherever appropriate.

"Sec. 11. Section 2, subsection (a) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) is hereby amended by striking out the words 'notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury;' and inserting in lieu thereof the words 'notwithstanding any other provision of law;' and by striking out the words 'or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law' and inserting in lieu thereof 'or affect any contract heretofore entered into by the United States that provides that such revenues collected at particular Federal areas shall be credited to specific purposes'.

"Sec. 12. This Act may be cited as the 'Federal Water Project Recreation Act'."

And the House agree to the same.

WAYNE N. ASPINALL,
WALTER ROGERS,
JAMES A. HALEY,
JOHN P. SAYLOR,
JOE SKUBITZ,

Managers on the Part of the House.

HENRY M. JACKSON,
ALAN BIBLE,
QUENTIN N. BURDICK,
GORDON ALLOTT,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 1229, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal

multiple-purpose water resource projects, and for other purposes, submit this statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report. The language agreed upon is essentially the language of the House amendment except as herein noted.

REACQUISITION RIGHTS OF PRIOR LANDOWNERS

Section 3(b)(2) of S. 1229 relates to the situation where a construction agency has acquired lands to preserve the recreation and fish and wildlife enhancement potential of a project and there has been no interest by a local public body in developing such potential during the specified 10-year period. In these circumstances, the Secretary must make a decision with respect to further use or disposition of the land.

The language of the Senate-passed bill required the head of the construction agency to first offer the land for sale to the immediate prior owner at its appraised fair market value. If it were not disposed of in this manner within 90 days he would have had to determine whether the lands were to be put to other use or reported as excess to the General Services Administration for disposition.

The language of the House-passed bill provided that the head of the construction agency may (1) utilize the lands for any other lawful purpose within the jurisdiction of his agency, (2) transfer custody of the lands to another Federal agency for any lawful purpose within the jurisdiction of that agency, (3) lease the lands to any non-Federal public body, or (4) transfer the lands to the General Services Administration for disposition.

Both the Senate language and the House language provided that in no case shall the lands be used or made available for any purpose in conflict with the purposes for which the project was constructed. The House language provided, in addition, that preference be given to uses which promote the recreation and fish and wildlife potential.

The language agreed upon by the conference committee follows:

"Sec. 3. (b)(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of this subsection, the head of the agency having jurisdiction over the project may utilize the lands for any lawful purpose within the jurisdiction of his agency, or may offer the land for sale to its immediate prior owner or his immediate heirs at its appraised fair market value as approved, by the head of the agency at the time of offer or, if a firm agreement by said owner or his immediate heirs is not executed within ninety days of the date of the offer, may transfer custody of the lands to another Federal agency for use for any lawful purpose within the jurisdiction of that agency, or may lease the lands to a non-Federal public body, or may transfer the lands to the Administrator of General Services for disposition in accordance with the surplus property laws of the United States. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed, and in every case except that of an offer to purchase made, as hereinbefore provided, by the prior owner or his heirs preference shall be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential."

This language is intended to require the head of the construction agency, if he has no authority to utilize the lands for some other needed and justified purpose, to first offer the lands for sale to the immediate prior owner or his immediate heirs at the appraised fair market value. If the lands are not disposed of in this manner within

90 days, the head of the construction agency may (1) transfer custody of the lands to another Federal agency that needs the lands and has authority to utilize them, (2) lease the lands to any non-Federal public body, or (3) transfer the lands to the General Services Administration for disposition. In the event the prior owner or his immediate heirs cannot readily be found, it is the intent of the conferees that 30-day notice be given by publication in a local newspaper or newspapers of wide circulation in the project area, the 90-day period to begin to run with the first publication of notice in this way. The lands can be used or made available for any purpose not in conflict with the purposes for which the project was constructed and, except in connection with an offer to sell to the immediate prior owner or his immediate heirs, preference must be given to uses which promote the recreation and fish and wildlife enhancement potential of the project.

RECREATION DEVELOPMENT AT EXISTING PROJECTS

Section 7 of S. 1229 as passed by the Senate authorized the Secretary of the Interior to construct and operate recreation facilities at projects heretofore authorized, provided the cost for such facilities for any one project does not exceed \$50,000.

The language of section 7(a) of the House-passed bill authorized the Secretary to construct and operate recreation facilities and acquire lands for such purpose at any existing project or project hereafter authorized, but, with respect to existing projects, no appropriation for land acquisition or development could be made until 60 legislative days after a report recommending such development had been submitted to the Congress and then only if neither the House nor the Senate Committee on Interior and Insular Affairs had disapproved such proposal.

In lieu of the language in the two bills, the conference committee adopted language making section 7(a) applicable only to projects heretofore constructed by or under the control of the Secretary of the Interior and providing authority for both the construction of recreation facilities and the acquisition of lands, provided the Federal cost for both development and acquisition at any one reservoir does not exceed \$100,000. The development could go forward only under an agreement with a local public body for cost-sharing and administration.

FEASIBILITY REPORTS ON RECLAMATION PROJECTS

Section 9 of S. 1229 as passed by the Senate contained language prohibiting the preparation by or under the authority of the Secretary of the Interior of any feasibility report on a water resource project unless it had been specifically authorized by law or unless such preparation had been specifically directed by either the Senate Committee on Interior and Insular Affairs or the House Committee on Interior and Insular Affairs.

There was no similar provision in the House-passed bill.

The conference committee agreed upon language in section 8 which requires prior approval by the Congress of any studies and investigations leading to the preparation of a feasibility report on a reclamation project. The term "feasibility report" is defined in section 10 to mean any report of the scope required by the Congress when formally considering authorization of a project. It does not include such preliminary studies as normally go into the making of reconnaissance-grade reports:

EXTENT OF ALLOCATIONS TO RECREATION AND FISH AND WILDLIFE

The language of the House-passed bill contained a provision which, in effect, means that projects in which the sum of the allocations to recreation and fish and wildlife

enhancement exceeds the sum of the allocations to the other project purposes should not be recommended for authorization and construction under Federal reclamation laws or under any Rivers and Harbors or Flood Control Act.

There was no similar provision in the Senate-passed bill.

The conference committee retained this language but exempted from its coverage any project for the enhancement of anadromous fisheries, shrimp, or the conservation of migratory birds protected by treaty, when each of the other functions of such a project has, of itself, a favorable benefit-cost ratio.

ACQUISITION OF LANDS FOR MIGRATORY WATER-FOWL REFUGES

The provision in the House-passed bill placing a \$28 million ceiling on expenditures for lands acquired by construction agencies for the establishment of migratory waterfowl refuges in connection with water resource projects was retained by the conference committee. The conference committee wants it clearly understood that this is a limitation on expenditures and is not itself an authorization for land acquisition. The authorization for the appropriation of funds to acquire lands for these migratory waterfowl refuges will be considered on a case-by-case basis in connection with the authorization of individual water resource projects.

WAYNE N. ASPINALL,
WALTER ROGERS,
JAMES A. HALEY,
JOHN P. SAYLOR,
JOE SKUBITZ,

Managers on the Part of the House.

GENERAL SUBCOMMITTEE ON LABOR, COMMITTEE ON EDUCATION AND LABOR

Mr. HARRIS. Mr. Speaker, I ask unanimous consent that the General Subcommittee on Labor of the Committee on Education and Labor may have permission to meet during general debate this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. GROSS. Mr. Speaker, reserving the right to object, do I understand correctly that the gentleman has a number of witnesses from out of town to be heard this afternoon?

Mr. HARRIS. I would say to the gentleman that there are numerous witnesses that live throughout the country from the Northeast, the Northwest, and the South, who are here. They are going to be required to stay overnight if there is not a little time given to hearing them this afternoon. I think with some of them it would be an inconvenience if they have to stay over.

Mr. GROSS. Mr. Speaker, it is the opinion of this Member of the House that with two huge appropriation bills coming before the House of Representatives today and tomorrow that only in the event there are out-of-town witnesses who must be accommodated should a committee of Congress sit today and tomorrow when these bills are under consideration. I am not going to object in this case because the witnesses are from out of town, and to do so would impose a hardship on them, but I hope no request will be made for a committee to meet in other circumstances.

Mr. HARRIS. I can say to the gentleman it is my understanding all of the witnesses are from out of town and the committee will conclude in time to be here for the reading of the bill and the proceedings under the 5-minute rule this afternoon so that they can participate.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PUBLIC WORKS APPROPRIATION BILL, 1966

Mr. KIRWAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9220) making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the St. Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Delaware River Basin Commission, for the fiscal year ending June 30, 1966, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to 2 hours, one-half of the time to be controlled by the gentleman from Arizona [Mr. RHODES] and one-half by myself.

The SPEAKER. Is there objection to the request of the gentleman from Ohio? There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9220, with Mr. ASPINALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. KIRWAN. Mr. Chairman, I yield myself such time as I may consume.

Every dollar in this bill that we are considering today, except for a small amount for AEC is spent in or on America and its possessions.

I have been here for 29 years, and I have been a member of this subcommittee for some time. I want to say that this subcommittee has functioned in better fashion this year than at any time in my 29 years of service. There was not one word passed across the table, no matter from which side of the table it came, that would not stand the acid test. So it is a great pleasure for me today, to commend this committee and to say that I am grateful and thankful for heading a committee such as this.

The total amount recommended in this bill is \$4,241,636,500, a reduction of \$132,168,500 from the budget estimates and a decrease of \$227,380,200 below the appropriations for the fiscal year 1965.

With a gross national product in this Nation expected to reach \$650 billion this year, it is important to note that we are recommending in this bill, to be spent on this Nation, \$227 million less than was spent last year. From that, Mr. Chairman, you know that it is a conservative bill.

The total allowed includes \$2,354,995,000 for the Atomic Energy Commission, a reduction in the budget estimate of \$126,005,000; \$37,969,000 of this reduction was made in the authorization bill and \$30 million represents additional unobligated balances now estimated to be carried over at the end of the current fiscal year. The balance of the reduction in the AEC request, \$58,036,000, or about 2 percent, is based primarily on a history of underruns in past expenditures and anticipated delays and savings in the budgeted program.

Mr. Chairman, reference has been made in the past to this bill as a "pork barrel bill." However, I have not seen the press or the magazines carrying any articles saying anything about "pork" in this bill this year. The critics have been amazingly silent during the recent floods. Losses inflicted in the States of California, Oregon, and other Western States last December and January amounted to at least one-half billion dollars. Then came the Mississippi floods which made thousands homeless. Now we have the floods in Colorado and Kansas.

Mr. Chairman, when we stop and look at what is going on in this country today it is hard to understand how some can refer to this bill, which provides the essential funds to construct projects to protect our citizens and property, as the "pork barrel bill." The record on the thousands of projects that have been built down through history is ample proof that they were a good investment. Only five have failed and three of these were due to age.

There was the De Gueve Point, a debris basin built in California in 1906 by the Army Corps of Engineers which gave way recently and must now be rehabilitated. Then there was a small lock and dam No. 4 on the Green River, built in 1836, 129 years ago, that finally gave way recently. There was also the project built at the Allegheny River Bend years ago where the locks never proved to be economically justified.

Mr. Chairman, those three projects represent the only three projects in the United States built by the Army Engineers that have not paid back their cost manifold. Yet, Mr. Chairman, some people call it "pork."

Now, Mr. Chairman, let us look at the excellent record of the Bureau of Reclamation. There was the Two Medicine Dam built in 1912 on the Blackfeet Indian Reservation. In the recent record flood in Montana it gave way after 52 years of operation. Then there is the Riverton project in Wyoming which developed a drainage problem. All the other hundreds of projects built by the Bureau have been successful and have provided benefits far outweighing the costs.

So, Mr. Chairman, there have been only five projects in the United States,

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

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HIGHLIGHTS: Several Reps. and Sens. criticized food for Egypt. Rep. Ashbrook commended fight on cereal leaf beetle. Rep. Findley inserted FTC letter on cotton investigation. Rules Committee cleared area redevelopment bill.

HOUSE

1. WATER PROJECTS. Agreed to the conference report on S. 1229, to provide uniform policies with respect to recreation and fish-wildlife benefits and costs of Federal multi-purpose water resource projects. p. 13946
2. DEFENSE APPROPRIATION BILL. Passed without amendment this bill, H. R. 9221. pp. 13946-81
3. FOREIGN AID. Reps. Farbstein, Fino, and Horton spoke against shipment of food to Egypt. pp. 13983, 13985-6
4. PERSONNEL. Rep. Nelsen criticized proposals to exempt supergrade employees from the Hatch Political Activities Act. pp. 13983-5
Rep. Mathias deplored alleged solicitation of Government employees for political contributions. p. 13985

5. INSECT CONTROL; RESEARCH. Rep. Ashbrook spoke on the damage caused by the cereal leaf beetle, commended the Department's efforts against this insect, and inserted an article by Joseph F. Spears of the Department. pp. 13986-7
6. COTTON PRICES. Rep. Findley inserted his letter to the Federal Trade Commission asking for an investigation of increases in cotton textile prices despite "the drop in cost of raw cotton made possible by last year's legislation" and the Commission's reply agreeing to "continue to review" the situation. p. 13987
7. FOREIGN TRADE. Rep. Dent defended protective tariffs and said our share of the world markets has been shrinking in spite of Public Law 480 shipments. pp. 13993-6
Rep. Thompson, Tex., spoke in favor of amending the antidumping law so as to eliminate "those aspects of the act's administration which have at times been uncertain and cumbersome." pp. 14003-4
8. POTOMAC RIVER BASIN. Rep. Mathias spoke in support of proposals to foster conservation of natural resources in this Basin. pp. 13999-14002
9. ECONOMIC POLICY. Rep. Boggs spoke on "our safeguards against depression." pp. 14007-11
10. AREA REDEVELOPMENT. The Rules Committee reported a resolution for consideration of H. J. Res. 541, to continue the Area Redevelopment Act for 2 months. p. 14015
- Both Houses
11. TRANSPORTATION. /received the annual report of the St. Lawrence Seaway Development Corporation (H. Doc. 218). pp. 13945-6, 14019

SENATE

12. EXPORT CONTROL. The Banking and Currency Committee reported without amendment H. R. 7105, to continue the Export Control Act for 4 years (S. Rept. 363). p. 140200
13. CIGARETTE LABELING. Senate conferees were appointed on S. 559, to regulate the labeling of cigarettes (pp. 140200-1). House conferees have already been appointed.
14. ELECTRIFICATION. Sen. Douglas commended the reappointment of Joseph Swidler as Chairman of the Federal Power Commission. pp. 14026-7
15. RECREATION. Sens. Gruening and Douglas commended Senate passage of the bill to establish the Indiana Dunes National Lakeshore and urged speedy House passage. pp. 14027, 14028
16. MILK. Sen. Mondale inserted a letter from a Minn. dairy supporting the bill to provide orderly milk marketing. p. 14030
17. FOREIGN AID. Sens. Harris and Gruening spoke against shipment of food to Egypt. pp. 14033-4, 14046-9
Sen. Williams, Del., inserted two articles, "Government Charges 23 Concerns Diverted \$13.7 Million of Grains Aimed for Austria," and New Orleans Grain Exporter Pleads Guilty on Fraud in \$6 Million Shipment for Austria." pp. 14035-6



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No. 113

House of Representatives

The House met at 12 o'clock noon.
The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Deuteronomy 6:18: Thou shalt do that which is right and good in the sight of the Lord.

Almighty God, Thou knowest how greatly concerned we are about the welfare of our beloved country and the problems of its defense and security.

Help us to see clearly that if our Nation is to remain invulnerable and invincible, then we must not fail to mobilize our moral and spiritual resources.

Grant that our leaders and chosen representatives may seek and surrender themselves gladly and gratefully to the guidance of Thy divine spirit.

May we earnestly covet for ourselves a new nativity of faith and courage which will enable us to remain strong and steadfast when we encounter life's stern demands and difficulties.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On June 12, 1965:

H.R. 821. An act for the relief of the town of Kure Beach, N.C.

On June 14, 1965:

H.R. 2299. An act for the relief of Robert L. Yates and others;

H.R. 3051. An act for the relief of Vermont Maple Orchards, Inc., Burlington, Vt.;

H.R. 3074. An act for the relief of Maxie L. Stevens; and

H.R. 7507. An act to establish the veterans reopened insurance fund in the Treasury and to authorize initial capital to operate insurance programs under title 38, United States Code, section 725.

On June 18, 1965:

H.R. 6755. An act authorizing appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and other purposes.

On June 21, 1965:

H.R. 8371. An act to reduce excise taxes, and for other purposes.

On June 22, 1965:

H.R. 1782. An act to amend the Retired Federal Employees Health Benefits Act with respect to Government contribution for expenses incurred in the administration of such act; and

H.R. 7777. An act to authorize the President to appoint Gen. William F. McKee (U.S. Air Force, retired) to the office of Administrator of the Federal Aviation Agency.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6453. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1966, and for other purposes.

The message also announced that the Senate insists on its amendments to the bill H.R. 6453, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints as conferees Mr. BYRD of West Virginia, Mr. HAYDEN, Mr. BARTLETT, Mr. MCINTYRE, Mr. CASE, Mr. COTTON, and Mr. SALTONSTALL.

COMMITTEE ON RULES

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERSONAL EXPLANATION

(Mr. DULSKI asked and was given permission to extend his remarks at this point.)

Mr. DULSKI. Mr. Speaker, I am recorded as not voting on rollcalls Nos. 145, 146, and 147. I was in my district. If present, I would have voted "yea" on all three measures.

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I have asked for this time to inquire of the majority leader if he will kindly inform us of any changes in the program for this week, and what we may expect.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Last night we announced the addition of two bills to the program for this week. Those bills will be brought up tomorrow. One, a joint resolution, has to do with the temporary extension of the Area Redevelopment Act. The other deals with the extension of the Juvenile Delinquency Control Act. Those two bills will be brought up tomorrow.

Mr. ARENDS. And it is expected to finish the appropriation bill and call those two up tomorrow?

Mr. ALBERT. We will call them tomorrow.

Mr. ARENDS. And that will complete the program for the week?

Mr. ALBERT. It will complete the program, as far as I know, for the week.

Mr. ARENDS. Mr. Speaker, I thank the gentleman from Oklahoma.

SUBCOMMITTEE ON IMMIGRATION, COMMITTEE ON THE JUDICIARY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Immigration of the Committee on the Judiciary may be permitted to sit during general debate today, June 23, 1965.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ANNUAL REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION (H. DOC. NO. 218)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompany-

ing papers, referred to the Committee on Public Works and ordered to be printed with illustrations:

To the Congress of the United States:

Pursuant to the provisions of section 10 of Public Law 358, 83d Congress, I transmit herewith for the information of the Congress the Annual Report of the St. Lawrence Seaway Development Corporation, covering its activities for the year ended December 31, 1964.

LYNDON B. JOHNSON.

THE WHITE HOUSE, June 23, 1965.

UNIFORM POLICIES ON MULTIPLE-PURPOSE WATER RESOURCE PROJECTS

Mr. ASPINALL. Mr. Speaker, I call up the conference report on the bill (S. 1229) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 22, 1965.)

Mr. ASPINALL (interrupting the reading of the statement). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, the conference report on S. 1229, which we present to the House for adoption today, represents important and far-reaching legislation relating to the future development and use of this Nation's water resources. It provides uniform rules and policies for the treatment of recreation and fish and wildlife benefits and costs in connection with Federal multiple-purpose water resource projects of the Department of the Interior and the Corps of Engineers.

For the first time, general authority is given for the inclusion of recreation and fish and wildlife enhancement as project purposes in Federal water projects on par with the other purposes, and general cost sharing and reimbursement policy for these purposes is established. Planning with respect to the recreation potential of any project must be coordinated with existing and planned Federal,

State, or local recreation developments. Non-Federal administration of the recreation and fish and wildlife enhancement features of water projects is to be encouraged, and the full potential of any project for serving these purposes can be developed only under an agreement with a State or local public body whereby it will administer the area for either or both of these purposes and will advance or repay not less than half of the separable costs of the project allocated to these purposes. Separable costs are those specific costs incurred as a result of including recreation and fish and wildlife as purposes in the development.

Mr. Speaker, as indicated in the statement of managers on the part of the House, the language of the conference report is, for the most part, the language of the House-passed bill. The few differences which are explained in the statement are not of significance from the standpoint of the purposes and objectives of this legislation.

This legislation stems primarily from the ever-increasing outdoor recreation needs of this Nation and the demand of the American people that more recreation opportunities be provided. The Nation's needs which support and justify this legislation are the same as those which led to the enactment last year of the Land and Water Conservation Fund Act and those which have led to the authorization in recent years of several new national recreation areas and additions to the National Park System. They are the same needs which are the basis for the consideration in this Congress of several additional national recreation areas.

Mr. Speaker, I am particularly pleased that we are approaching final action on this important and forward-looking legislation because it brings to a successful conclusion the efforts of my committee over several years to provide full recreation use of our water resource development projects under policies and procedures which treat all projects alike. This legislation was initiated in the Committee on Interior and Insular Affairs by committee resolution in 1963.

(Mr. SAYLOR (at the request of Mr. ASPINALL) was given permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, I opposed this legislation when it was in the committee because it had neither a dollar limitation nor a percentage limitation on that part of the cost of a project which could be allocated to recreation and fish and wildlife enhancement. I was particularly concerned about the joint costs of a project because in this legislation the cost sharing between the Federal Government and a local agency is limited to the separable costs—in other words, the costs added to a project specifically for these purposes. The joint costs are fully nonreimbursable. The project cost allocations are made on the basis of procedures approved by the President for the use of all departments and agencies but which have never been approved by the Congress. I preferred the bill approved by the committee last year which included a formula setting a

ceiling on the joint costs that could be allocated to these purposes or a bill along the lines of that passed by the Senate several years ago which included a limitation of 15 percent of the project cost.

The language of the conference report is much improved on this matter of allocations because the preparation of feasibility reports on reclamation projects must hereafter be approved by the Congress. The Public Works Committee presently must give its approval to feasibility studies of the Corps of Engineers. Thus, the Congress will have the opportunity, at the time it considers authorization of the specific project studies and on the basis of information from the reconnaissance investigations and reports, to give direction to the construction agencies on the cost allocations.

Mr. Speaker, with this provision for adequate opportunity to consider each project feasibility study included in S. 1229, I support the conference report.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 151]

Ashley	Hall	Powell
Baring	Harvey, Ind.	Pucinski
Bingham	Hawkins	Reid, N.Y.
Blatnik	Hays	Rivers, Alaska
Bonner	Holland	Rogers, Tex.
Bow	Karth	Roncalio
Brown, Calif.	Kee	Ryan
Brown, Ohio	Landrum	Thomas
Colmer	Leggett	Toll
Cramer	Lindsay	Wilson
Ellsworth	Long, Md.	Charles H.
Evans, Colo.	Morris	Zablocki
Green, Oreg.	Pool	

The SPEAKER. On this rollcall, 394 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1966

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9221) making appropriations for the Department of Defense for the fiscal year ending June 30, 1966, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 4 hours, the time to be equally divided and controlled by the gentleman from California [Mr. LIPSCOMB] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued June 28, 1965
For actions of June 25, 1965
89th-1st; No. 115

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HIGHLIGHTS: Senate subcommittees approved agricultural appropriation bill and intergovernmental relations bill. House committee approved wheat title of farm bill.

SENATE

1. AGRICULTURAL APPROPRIATION BILL, 1966. A subcommittee of the Appropriations Committee approved for full committee consideration with amendments this bill, H. R. 8370. p. D579
2. RECLAMATION. Passed as reported S. 602, to expand the scope of the Small Reclamation Projects Act so as to increase the authorization from \$100 million to \$200 million, raise the limitations on Federal loans and grants for single projects from 5 million to \$7.5 million, make the interest rate the average rate payable to the Treasury rather than the average on long-term Government obligations; provide for fish and wildlife facilities; provide for affirmative committee action to accelerate projects, etc. pp. 14271-2
3. WATER PROJECTS. Agreed to the conference report on S. 1229, to provide uniform policies with respect to recreation and fish-wildlife benefits and costs of Federal multi-purpose water resource projects. This bill will now be sent to the President. pp. 14276-80

4. INTERGOVERNMENTAL RELATIONS. A subcommittee of the Government Operations Committee approved for full committee consideration with amendments S. 561, the proposed Intergovernmental Cooperation Act of 1965. p. D579
5. POVERTY. Sen. Nelson submitted, for himself and others, an amendment to S. 1759, to expand the war on poverty and enhance the effectiveness of programs under the Economic Opportunity Act of 1964. pp. 14235-6
6. SOIL CONSERVATION. Sen. Murphy inserted a Calif. Legislature resolution urging Congress "to give the necessary and adequate support to the continuance of the agricultural conservation program and the Soil Conservation Service." p. 14258
7. EDUCATION. Sen. Yarborough inserted a letter supporting his GI education bill. p. 14258
8. FARM PROGRAM. Sen. Mondale stated, "We must not fail to find the way to permit our family farmers to operate on a business-like basis, with an adequate return on labor and capital," and inserted tables showing farm operating figures. pp. 14262-8
9. WATER. Sen. Kennedy, N. Y., inserted an article, "Water Ration in Northeast a Possibility." pp. 14268-9
10. RECESSED until Mon., June 28. p. 14309

HOUSE

11. APPROPRIATIONS. Received (June 23) supplemental appropriation estimates for the Labor Department as follows: \$126,070,000 for manpower development and training activities; and \$1,968,000 "to permit expansion of farm labor employment activities so that the Secretary of Labor may more quickly and accurately determine the need for temporary entry into the United States of foreign agricultural workers to aid in the planting and harvesting of crops." (H. Doc. 211)
12. WHEAT. The Agriculture Committee "approved the wheat title on H. R. 7097," the farm bill. p. D580

ITEM IN APPENDIX

13. FARM LABOR; FOOD PRICES. Extension of remarks of Rep. Talcott stating that "the manmade disaster caused by the withdrawal of competent labor is the true basic cause" of increased prices for food and inserting an article, "Food Prices--Where They're Headed." pp. A3345-6

BILL INTRODUCED

14. ASC COMMITTEES. S. 2206 by Sen. Monroney, to extend certain benefits of the Annual and Sick Leave Act, the Veterans' Preference Act, and the Classification Act to employees of county committees established pursuant to section 8 (b) of the Soil Conservation and Domestic Allotment Act; to Post Office and Civil Service Committee.

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COMMITTEE HEARINGS JUNE 28:

Farm bill, S. Agriculture. Extension of poverty program, S. Labor. Foreign Aid authorization, conferees (exec). Continuing resolution, H. Appropriations (exec).

was elected to the Guam Congress in 1936 and reelected in 1948 as speaker. It was while in this position that he participated in the drafting of the Organic Act for Guam. Since the passage of the Organic Act in 1950, Speaker Won Pat has appeared before nearly every committee of the U.S. Congress on behalf of legislation for Guam. Among the most significant pieces of legislation for which he has testified and lobbied are the War Claims Act, social security, urban renewal, rehabilitation, Small Business Administration, Airport Act, and the Federal Disaster Act and Agricultural Services Act. He has served on the advisory committee of the SBA and in November 1963 he received a public service award from the SBA. Mr. Won Pat has served as a delegate to the junior chamber of commerce international conclave in Dallas, Tex., the National Conference of State Legislative Leaders in New York, Seattle, and Boston. During the Boston conference, he had the distinction of serving as a panel speaker on Federal-State relations. He also served as Guam's delegate to the American Academy of Political and Social Sciences Conference in 1958. He is a sustaining member of the Democratic National Committee, the National Capital Democratic Club, and was the first president of the Guam Lions Club and Fraternal Order of Eagles. The veteran legislator has served as speaker of the first, second, fourth, fifth, sixth, and seventh Guam Legislatures. He served as a minority leader in the third legislature. Executive vice chairman, Democratic Party of Guam. He served as a minority leader, eight Guam Legislature; elected as the first Washington Representative on March 15, 1965.

INAUGURAL ADDRESS OF ANTONIO BORJA WON PAT, WASHINGTON REPRESENTATIVE, MARCH 28, 1965

Governor Guerrero, Speaker Taitano, Judge Shriver, Admiral Bird, General Ohlke, Governor Skinner, Mr. Reckord, Mr. Heller, distinguished guests, ladies and gentlemen, my chief emotion today at this ceremony marking my inauguration as Guam's first elected Washington representative is one of humility and warm gratitude to the people of Guam for the confidence they have reposed in me in selecting me for this post. At this moment I find it hard to express how humbly proud I am how much I hope to merit the great honor bestowed upon me. I have been in politics for almost 30 years, and I have frequently been to Washington as a member of the Guam Legislature delegated to so appear in our Nation's Capital, but never before has anyone had the privilege to have been chosen by the people of Guam in an island-wide election as their sole elected Washington spokesman.

I know full well the magnitude and responsibilities that the office of Washington representative entails, and I promise you that, with God's help, and your support, I will do my utmost to represent you all in Washington to the best of my ability. I fully understand that I go to our Nation's Capital not as a spokesman for a particular party, or a particular group, or a particular philosophy, but as the spokesman for all of the people of Guam regardless of their race, religion, or creed, and regardless of their origin.

It was extremely heartening to me to receive the many friendly compliments and tributes from friends here and in Washington. It's also gratifying to me to see here today participating in this ceremony, representatives of our National Government, of all three branches of our local government, and of the military commands located here which are so important to the security and welfare of us and the others of the free world. I gratefully acknowledge their support, just as I have the support of the people of Guam, I will dedicate all my energies, I will devote

all my time, I will strain all my powers, and I will do all in my command to live up to this responsibility and to persuasively voice before the leaders of our Nation the aspirations, needs, and desires of the people of Guam.

Although today's occasion celebrates a remarkable step forward in our continuing efforts for more and more self-government and ever closer ties with our Nation, we should not forget to pay our respects to past efforts of others beginning back in 1936. Over the years since that first courageous effort almost 30 years ago, much has been accomplished and throughout the long period, it must be noted that all of these delegations to Washington, informal as many of them were, received unflinching cooperation and sympathetic understanding from both the Congress of the United States and the Federal agencies in Washington. When one considers the charges made by strangers that Guam is merely a dependent possession of the United States without the people of Guam being given any chance for self-determination, one remembers with pride the ready attention the problems of Guam have always received in Washington, the generous assistance that has been given by our Federal Government, and the remarkable advances we have made over the last generation, both economically and politically; then one knows full well that the charges that we are a colonial dependency is nonsense, and that both the people of Guam and the leaders of our Nation in Washington are united in a common desire to build ever greater bonds between us and the mainland and to bring us as rapidly as is possible to the mainstream of American life.

In giving credit to Federal Government and its leaders for the remarkable progress we have made, I do not forget, nor do they, that the people of Guam themselves can take pride in their own rapid advances over the past years, and I take nothing away from the efforts on Guam's behalf of our friends in the continental United States when I say that the people of Guam are to be commended upon the new and better Guam that we have seen abuilding on this beautiful island of ours.

In assessing our progress, we must never forget what we owe to the military commands stationed here. It was the Navy that started us on our road to self-government and economic stability; it was the combined efforts of the Army, Navy, Marines, and Air Force that freed us from 3 years of dreadful enemy oppression, and it is those large military bases now here that have made possible Guam's present prosperity and future expectancy. The people of Guam are ever proud that they help man one of the most important defense bastions of the free world. In the dire struggle that is now going on in southeast Asia, we in Guam are practically in the frontlines, and in this we rejoice as we know of no greater honor than that of joining with our fellow Americans and others in the free world in resisting the spread of tyranny and in forwarding the march of freedom and justice. Asia will be the main arena of the world for at least the next century and Guam is America's sole permanent foothold in Asia. Thus, it is our destiny to play an ever-increasing role in depicting for the downtrodden Asian masses the unequalled advantages of democracy and freedom. Thus, the phrase, "Guam—America's showplace for democracy" is more than a mere slogan; it is our most important responsibility and one in which we should take the deepest pride. It will be my main task in Washington, as I see it, to help make Guam an ever better example of American democracy in action.

Thus I place priority on seeking from the Congress and the Federal agencies in Washington greater local autonomy, combined with closer ties with our National Government. As an example, an elected Governor is legislation I will pursue with vigor. I will

also do my best to regularize the position I now hold by seeking legislation to provide Guam's elected Washington representative, whoever he may be, a seat in the Halls of Congress itself. I will also seek to discover whether support can be obtained for a constitutional amendment that would permit Guam to cast its vote in the electoral college that chooses our President. I am, however, completely aware that I go to Washington not to express my own views, but to represent the views of the people of Guam, particularly as duly manifested by our elected representatives in the Guam Legislature, and I will look to them for assistance. Thus, at this time, the legislature is on record in support of both an elected Governor and a Delegate in Congress, but has not decided what other changes are desired in our political status; whether some other form of association with the American Union should be attempted. I have my own views on this, but I intend to live up to both the spirit and the letter of the law that authorized my election and I shall pursue actively the programs and policy of the Guam Legislature as well as that of the administration.

As I see it, another major responsibility that Guam's Washington representative has is that of establishing in Washington the image and identity the people of Guam desire. Although those in Washington who are directly responsible for our well-being are both sympathetic and fairly aware of our problems, the Nation at large, we must admit, is not familiar with either Guam or its peoples, and I shall do what I can to advertise Guam and tell our fellow Americans of our colorful past history and our present contributions to the effective role America is playing in the Far East. If tourists are to be attracted to Guam, which is a goal all of us are united upon, Guam must be better known and its beauties and attractions must be widely advertised. Furthermore, as a firm believer in the American system of free enterprise, I am deeply interested in the commercial and industrial plans of our business leaders here and I shall do all I can in helping them attain assistance to achieve their goal of economic prosperity for all of us. I have been deeply impressed with the great interest taken by the military commands under the leadership of Admiral Bird and General Ohlke in their efforts to promote the further development of Guam's civilian economy, and I promise that they and the business leaders in the community will find me completely receptive to their advice and suggestions on the programs I should pursue in Washington. I am sure that they will be equally cooperative with me in providing me the information and data I will need in bringing to the attention of our public officials and also major American business leaders, all of Guam's potentials—commercial, industrial, and agricultural.

Finally, and frankly I can promise no miracles, and, armed as I am with the mandate of a free election as Guam's first Washington representative, I do not expect, nor should the people of Guam, that the legislation and assistance we seek will be easy to obtain. We must remember the enormous national and global responsibilities faced by Congress and the Federal agencies. Those of necessity come first and Guam must await with patience the attention of our Nation's leaders. Furthermore, the legislative process itself is rightfully a long and complicated one in that both Houses must carefully consider and weigh all proposals from varied angles, and we do not and should not demand for quick decisions from Washington. Guam's political and economic future is too serious a matter to be hastily considered and acted upon in Washington, and, therefore, I urge you to be patient because, just as sure as was the promise of eventual citizenship for us met by the Organic Act, so will our aspirations for even greater autonomy be eventually met by our Nation and its leaders.

We must also never forget we are first and foremost citizens of the United States and that our greatest duty is to our country, and next to our territory. It is our national interests that come first and it is the challenges that we as a part of the American Nation face that call for our greatest concern. We must therefore expect delay and difficulty in overcoming our territorial problems, but we shall never lose confidence in their eventual solution. The United States of America is the greatest nation in the world, not because of its resources or its wealth, but because of its recognition of the dignity of the individual and the rights of freemen, and we as part of that great Nation can rightfully expect that our goals of more self-government and greater freedom will be met.

In conclusion, ladies and gentlemen, I beseech all of you to give me the support and confidence that I will need in representing you all in our Capital. I am deeply proud of the many honors you have bestowed upon me in the past but I cannot carry out my task without your counsel and encouragement.

"Thank you very much."

WATER PROJECTS RECREATION ACT—CONFERENCE REPORT

Mr. JACKSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1229) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of June 22, 1965, pp. 13867-13869, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JACKSON. Mr. President, the conference report was agreed to by the conferees in behalf of the Senate and the conferees in behalf of the House of Representatives.

The principal purpose of the conference version of S. 1229 is to establish prospective standard guidelines on the allocation of and the reimbursability of recreation and fish and wildlife costs of Federal multiple-purpose water-resource projects.

The conference version also gives the Secretary of the Interior certain limited authority for recreation development on existing projects under his control.

The final version also provides for more active congressional participation in the Department of the Interior's water project investigation process. The conferees believe that this will substantially strengthen the Department's water-resource program and be to the mutual benefit of both that agency and the Congress.

This particular provision is found in Section 8 of the bill as finally approved. The effective date on which Congressional authority would be required be-

fore undertaking project feasibility reports has been changed from January 1 to July 1, 1966, pursuant to agreement of the House and Senate conferees.

This provision was approved in an effort to bring Congress more fully into the water resource project cycle. It will allow the Congress to be better informed on prospective water resource projects nearer their inception rather than to be faced with virtually a "take it or leave it" situation following the submission of the completed project feasibility report by the Secretary of the Interior. The Corps of Engineers has operated under similar planning provisions for many years.

As the author of this particular provision, the chairman of the Senate Committee on Interior and Insular Affairs is convinced that this will not pose a burden upon the Secretary of the Interior. In fact, in order to obtain funds at present to undertake such feasibility reports, the Bureau of Reclamation must now presumably justify requests to pursue its reports before the Bureau of the Budget and subsequently the Committees on Appropriations of the Congress. The Congressional committees with the responsibility for recommending the authorization of these not infrequently very large projects are often not satisfactorily apprised of their scope and nature until the project feasibility report has been submitted. But the authorizing committees must be fully advised on all phases of the project cycle in order to meet their responsibilities to their respective Houses.

As I previously stated, I foresee no difficulty for the Department of the Interior under section 8. I anticipate that an annual omnibus list of project feasibility reports will be presented to the Congress as an executive recommendation. Such an omnibus recommendation would be received shortly after the Congress convenes in each new session.

Of course, the Secretary of the Interior could submit project feasibility report recommendations individually whenever circumstances might warrant such action. Such individual proposals, as well as the annual omnibus bill, will receive prompt consideration by the Senate Committee on Interior and Insular Affairs.

The Secretary of the Interior must plan with foresight the potential water resource project development he intends to advocate before the Congress. In the interest of congressional efficiency and responsibility and in view of the increasing amount of taxpayers' funds involved in our water resources program, the Congress must fully participate in the project cycle. This, of course, does not mean that congressional approval is required for every preliminary investigation of the Department. We recognize that reconnaissance surveys are necessary to determine where potential projects are located and whether they merit further investigation. Once the Secretary of the Interior has determined, however, that a potential project is worthy of the detailed study necessary for its submission to the Congress for authorization, he must secure congressional approval to

undertake the preparation of the project feasibility report.

I ask unanimous consent that the statement on the part of the managers of the House, which details the agreement between the House and Senate, be printed at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill, S. 1229, to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes, submit this statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report. The language agreed upon is essentially the language of the House amendment except as herein noted.

REACQUISITION RIGHTS OF PRIOR LANDOWNERS

Section 3(b)(2) of S. 1229 relates to the situation where a construction agency has acquired lands to preserve the recreation and fish and wildlife enhancement potential of a project and there has been no interest by a local public body in developing such potential during the specified 10-year period. In these circumstances, the Secretary must make a decision with respect to further use or disposition of the land.

The language of the Senate-passed bill required the head of the construction agency to first offer the land for sale to the immediate prior owner at its appraised fair market value. If it were not disposed of in this manner within 90 days he would have had to determine whether the lands were to be put to other use or reported as excess to the General Services Administration for disposition.

The language of the House-passed bill provided that the head of the construction agency may (1) utilize the lands for any other lawful purpose within the jurisdiction of his agency, (2) transfer custody of the lands to another Federal agency for any lawful purpose within the jurisdiction of that agency, (3) lease the lands to any non-Federal public body, or (4) transfer the lands to the General Services Administration for disposition.

Both the Senate language and the House language provided that in no case shall the lands be used or made available for any purpose in conflict with the purposes for which the project was constructed. The House language provided, in addition, that preference be given to uses which promote the recreation and fish and wildlife potential.

The language agreed upon by the conference committee follows:

"SEC. 3. (b)(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of this subsection, the head of the agency having jurisdiction over the project may utilize the lands for any lawful purpose within the jurisdiction of his agency, or may offer the land for sale to its immediate prior owner or his immediate heirs at its appraised fair market value as approved by the head of the agency at the time of offer or, if a firm agreement by said owner or his immediate heirs is not executed within ninety days of the date of the offer, may transfer custody of the lands to another Federal agency for use for any lawful purpose within the jurisdiction of that agency, or may lease the lands to a non-Federal public body, or may transfer the lands to the Administrator of General Serv-

ices for disposition in accordance with the surplus property laws of the United States. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed, and in every case except that of an offer to purchase made, as hereinbefore provided, by the prior owner or his heirs preference shall be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential."

This language is intended to require the head of the construction agency, if he has no authority to utilize the lands for some other needed and justified purpose, to first offer the lands for sale to the immediate prior owner or his immediate heirs at the appraised fair market value. If the lands are not disposed of in this manner within 90 days, the head of the construction agency may (1) transfer custody of the lands to another Federal agency that needs the lands and has authority to utilize them; (2) lease the lands to any non-Federal public body; or (3) transfer the lands to the General Services Administration for disposition. In the event the prior owner or his immediate heirs cannot readily be found, it is the intent of the conferees that 30-day notice be given by publication in a local newspaper or newspapers of wide circulation in the project area, the 90-day period to begin to run with the first publication of notice in this way. The lands can be used or made available for any purpose not in conflict with the purposes for which the project was constructed and, except in connection with an offer to sell to the immediate prior owner or his immediate heirs, preference must be given to uses which promote the recreation and fish and wildlife enhancement potential of the project.

RECREATION DEVELOPMENT AT EXISTING PROJECTS

Section 7 of S. 1229 as passed by the Senate authorized the Secretary of the Interior to construct and operate recreation facilities at projects heretofore authorized, provided the cost for such facilities for any one project does not exceed \$50,000.

The language of section 7(a) of the House-passed bill authorized the Secretary to construct and operate recreation facilities and acquire lands for such purpose at any existing project or project hereafter authorized but, with respect to existing projects, no appropriation for land acquisition or development could be made until 60 legislative days after a report recommending such development had been submitted to the Congress and then only if neither the House nor the Senate Committee on Interior and Insular Affairs had disapproved such proposal.

In lieu of the language in the two bills, the conference committee adopted language making section 7(a) applicable only to projects heretofore constructed by or under the control of the Secretary of the Interior and providing authority for both the construction of recreation facilities and the acquisition of lands provided the Federal cost for both development and acquisition at any one reservoir does not exceed \$100,000. The development could go forward only under an agreement with a local public body for cost sharing and administration.

FEASIBILITY REPORTS OF RECLAMATION PROJECTS

Section 9 of S. 1229 as passed by the Senate contained language prohibiting the preparation by or under the authority of the Secretary of the Interior of any feasibility report on a water resource project unless it had been specifically authorized by law or unless such preparation had been specifically directed by either the Senate Committee on Interior and Insular Affairs or the House Committee on Interior and Insular Affairs.

There was no similar provision in the House-passed bill.

The conference committee agreed upon language in section 8 which requires prior approval by the Congress of any studies and investigations leading to the preparation of a feasibility report on a reclamation project. The term "feasibility report" is defined in section 10 to mean any report of the scope required by the Congress when formally considering authorization of a project. It does not include such preliminary studies as normally go into the making of reconnaissance-grade reports.

EXTENT OF ALLOCATIONS TO RECREATION AND FISH AND WILDLIFE

The language of the House-passed bill contained a provision which, in effect, means that projects in which the sum of the allocations to recreation and fish and wildlife enhancement exceeds the sum of the allocations to the other project purposes should not be recommended for authorization and construction under Federal reclamation laws or under any Rivers and Harbors or Flood Control Act.

There was no similar provision in the Senate-passed bill.

The conference committee retained this language but exempted from its coverage any project for the enhancement of anadromous fisheries, shrimp, or the conservation of migratory birds protected by treaty, when each of the other functions of such a project has, of itself, a favorable benefit-cost ratio.

ACQUISITION OF LANDS FOR MIGRATORY WATERFOWL REFUGES

The provision in the House-passed bill placing a \$28 million ceiling on expenditures for lands acquired by construction agencies for the establishment of migratory waterfowl refuges in connection with water resource projects was retained by the conference committee. The conference committee wants it clearly understood that this is a limitation on expenditures and is not itself an authorization for land acquisition. The authorization for the appropriation of funds to acquire lands for these migratory waterfowl refuges will be considered on a case-by-case basis in connection with the authorization of individual water resource projects.

WAYNE N. ASPINALL,
WALTER ROGERS,
JAMES A. HALEY,
JOHN P. SAYLOR,
JOE SKUBITZ,

Managers on the Part of the House.

Mr. COOPER. Mr. President, I should like to direct several questions to the distinguished chairman of the Committee on Interior and Insular Affairs, who managed the bill, S. 1229, when it was passed by the Senate, who served as a conferee with representatives of the House, and is now presenting the conference report to the Senate for its consideration.

My questions concern sections of the conference report which I identify specifically as those which would require that one-half of the separable costs of the recreational and fish and wildlife enhancement facilities or project modifications on any multipurpose water project must be assumed by a non-Federal public body.

I have discussed this subject with the distinguished Senator at times, but I am asking these questions to ascertain his view with respect to the intentions of Congress respecting these sections. In addition to the questions we will discuss here, I want to say that I have discussed these sections with representatives of the Bureau of the Budget, with the Chief of the U.S. Army Corps of Engineers, with

the Secretary of the Army, and with the Counsel for the Department of the Army. I have been given helpful information by these officials, and I have also addressed questions to the Bureau of the Budget as this legislation was being considered. I think it will be useful to this discussion to have my letter of April 21 and the Bureau of the Budget reply of May 5, 1965, included here, and I ask unanimous consent to have these letters printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
April 21, 1965.

HON. KERMIT GORDON,
Director, Bureau of the Budget,
Washington, D.C.

DEAR MR. GORDON: I have been very much concerned about the policy which would require that one-half of the separate costs allocated to recreational and fish and wildlife enhancement in Federal multiple-purpose water resource projects be borne by non-Federal public bodies. This policy might be useful in Bureau of Reclamation projects, but I am sure that it would deny needed flood protection to many communities and areas.

If the community nearest a flood protection reservoir should be required to assume obligation for the non-Federal charge, I doubt that the great majority of communities could do so. The consequence would be the denial of vitally needed flood protection to such communities. If it is said that the community could avoid the obligation by the elimination of recreational and fish and wildlife enhancement, the result would be that, in many cases, the project could not meet the cost-benefit ratio. In either case, the result would be denial of flood protection.

Further, the policy being followed and the legislation which has been proposed are not clear in defining "non-Federal public bodies" against which the cost would be allocated. Recreational and fish and wildlife benefits are enjoyed not alone by the community which is immediately adjacent, and it would seem unfair to impose the cost upon the community nearest the facility. My chief opposition, however, to the policy is that it would deny in many cases necessary flood protection to many communities.

I have discussed this question with the Secretary of the Army, with the Corps of Engineers and with officials of the Bureau of the Budget. I know the subject is complex, but I do not believe that full consideration has been given to the fact that the policy will deny vital flood protection to many communities. I hope very much that you will discuss this problem with the concerned agencies and that procedures may be worked out to assure that communities which cannot bear the cost will be relieved of this imposition and thus assured of flood protection.

On November 10, 1964, I wrote the President of the United States on this subject, and I am taking the liberty of enclosing a copy of my letter. I will, of course, appreciate any additional information you can provide on this urgent matter.

With kind regards, I am,

Sincerely yours,

JOHN SHERMAN COOPER.

EXECUTIVE OFFICE
OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 5, 1965.

HON. JOHN SHERMAN COOPER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COOPER: Your letter of April 21, 1965, to the Director raised several ques-

tions concerning S. 1229, the proposed Federal Water Project Recreation Act. You expressed concern that the proposed act may deny flood protection to some areas. Your concern is appreciated. However, we do not believe enactment of the bill will adversely affect the economic justification of flood protection projects.

The enactment of S. 1229 would establish congressional policy recognizing recreation as a purpose in the planning and construction of Federal water resource projects. Recognition of recreation as a project purpose means that recreation benefits may be considered in the economic justification of a project and that project costs may be allocated to recreation. With the increasing demand for outdoor recreation and the important role that water resources development can play in meeting that demand, we think it very desirable to have general legislative policy on this subject.

The importance of recreation at water resource projects has been recognized in recent years, as in the statement of "Policies, Standards, and Procedures in the Formulation, Evaluation, and Review of Plans for Use and Development of Water and Related Land Resources," approved by President Kennedy in May 1962 for the guidance of executive branch agencies and in the legislative authorization of individual projects. However, there has been no general legislation recognizing recreation as a purpose of water resources development and no uniform policy for treatment of recreation as part of these projects. The enactment of S. 1229 would remedy these deficiencies.

As you know, S. 1229 is similar to H.R. 9032 of the last Congress. However, major changes were made in the provisions relating to cost sharing to reflect the experience of the agencies in applying the provisions of H.R. 9032 and also to reflect comments received on that bill. Your views on H.R. 9032 which were expressed in your letter of November 10, 1964, to the President were very carefully considered in the drafting of S. 1229.

This brings us to another point in your letter—that is definition of "non-Federal public bodies." It is recognized that in some instances a community immediately adjacent to a reservoir may be unable to meet the cost-sharing requirements. And as you indicated, a reservoir could benefit a larger area than the nearby community. Accordingly, the term "non-Federal public bodies" includes one or more of the following public entities, as appropriate: States, counties, municipalities, recreation districts, or other special purpose districts with sufficient authority to participate under the provisions of the bill. The Federal water resource agencies will work with the appropriate non-Federal entities in planning recreation developments, and the extent to which non-Federal interests are willing to participate will be an important factor in developing an appropriate recreation plan for each project.

In recognition of varying abilities of non-Federal interests to share in the costs of recreation developments, two methods of fulfilling the sharing requirements are provided in the bill. First, payment in cash or provision of lands or facilities required for the project; and second, repayment with interest within 50 years. Repayment could be through user fees collected at the project by non-Federal interests. This latter method of repayment would mean that non-local, as well as local, recreation users would help pay for the non-Federal share of project costs.

We do not believe that there will be many instances where agreement cannot be reached on cost sharing under the foregoing provisions. As an example of the ability of non-Federal interests to share costs in recreation development, the Bureau of Outdoor Recreation indicates that under the Land and Water Conservation Fund Act of 1965, which authorizes grants for non-Federal develop-

ment of recreation facilities, the States stand ready to match all the Federal funds expected to become available in 1966 under that act.

We appreciate receiving your comments on the bill, and we hope the foregoing explanations will be helpful to you. We consider enactment of this legislation essential in order to establish sound general policy for the treatment of recreation and fish and wildlife at Federal water resource projects.

Sincerely,

ELMER B. STAATS,
Deputy Director.

Mr. COOPER. Mr. President, because the conference report is now being considered by the Senate, and because if the conference report is approved by the Senate, it will become law after being signed by the President, I believe that the intent of Congress in regard to the language about cost sharing is a very important matter and should be made clear here.

Specifically, my concern about this section goes to two points, and I will illustrate my concern by some examples of the problem as it affects areas I know well. In the eastern part of Kentucky there are a number of streams and rivers, including those in the Big Sandy River basin, and its Tug and Levisa Forks, and there are the important basins encompassed by the Kentucky River, the Cumberland River, and the Licking River, among others. In the northern and western parts of my State, there are other great and important river basins, with long valleys and full tributaries. Year after year, the section of Kentucky—and similar areas in other States—are ravaged by floods, which result in property losses of millions of dollars, as well as the loss of human life and the destruction of community and family life.

To protect the river valleys not only in Kentucky but in the many States with similar rivers and streams it is necessary that flood protection facilities such as dams and reservoirs be constructed. It is the only way that the communities in these valleys and the people living there can be protected, and that their security and economic opportunity can be provided and maintained.

Although the total cost of each of the proposed facilities is not great, there is always the problem of whether the cost-benefit ratio can be met. As the Senator knows, Congress in practice does not authorize and appropriate funds for flood control facilities unless the cost-benefit ratio is favorable.

My first question applies to a facility in which, in order to gain a favorable cost-benefit ratio, recreational benefits, and perhaps fish and wildlife enhancement benefits would be included. Let us assume that there is a facility which, without these benefits, had an unfavorable cost-benefit ratio. If the provisions of this conference report mean that the recreation or fish and wildlife facilities giving benefits could not be included unless the non-Federal public body, which might be a community or a local government unit, would assume one-half of the separable costs of the facilities bringing this benefit, I believe the result will be that vital flood protection will never be made available to these communities in a great many cases.

I also ask the Senator, in the event that there were cases in which the inclusion of recreational benefits and fish and wildlife enhancement benefits would make a very important difference in determining whether the ratio is favorable, would this provision be so strictly applied, that if a community were not able to pay half the cost, the benefit could not be used, and therefore the complete project, including the vital flood control facility, would never be able to meet the cost-benefit ratio requirement, with the result that flood protection would be denied?

Mr. JACKSON. First of all, I commend the distinguished and able Senator from Kentucky for his continuing interest in this problem. He has conferred with me a number of times in connection with the pending legislation.

I should say that the thrust of the pending legislation is principally to provide guidelines for the executive branch of the Government in planning these multipurpose projects for submission to the Congress. The Congress, of course, can consider each proposed project on its own merits and take whatever action it finds appropriate.

Therefore, I emphasize that the pending legislation is a directive to the executive branch in connection with the planning of water-project proposals.

It is clearly expected that the Bureau of the Budget and the water-resource agencies would give most careful and sympathetic consideration to the cost-sharing problems you outlined in eastern Kentucky and similar areas, with a view to recommending whether an exception to these guidelines would be in order. In this regard, Mr. Elmer B. Staats, Deputy Director of the Bureau of the Budget, wrote Representative WAYNE N. ASPINALL on February 19, 1965, that:

The formulation of a general policy to fit every circumstance is made difficult by the great variety among water-resources projects—in size, purposes served, and problems encountered. Therefore, the water-resources agencies may in some instances recommend departures from the general policy.

Mr. COOPER. In connection with the construction of reservoirs and dams which will protect a number of communities and areas downstream from the facility, there has been much fear that the term "non-Federal public body" might cause costs to be allocated against a community which geographically might be nearest the flood control facility. Would the Senator say that a proper interpretation of the term "non-Federal public body" could mean a State or a group of communities, and is not limited to the community nearest the facility?

Mr. JACKSON. The term "non-Federal public body" as used in the pending proposed legislation is used in a broad sense. It includes everything other than the Federal Government in the public area. It would mean the State—and I make the citation only by way of example—and it could mean a political subdivision of a State.

Mr. COOPER. That interpretation would seem more reasonable, because the recreational benefits and those re-

sulting from fish and wildlife enhancement would not be available only to the nearest community.

Mr. JACKSON. Often the benefits might go to those far beyond the adjacent community.

Mr. COOPER. The Senator has said that the provisions in the bill are guidelines. I see the distinguished chairman of the appropriations subcommittee, the Senator from Louisiana [Mr. ELLENDER] in the Chamber. Assuming that the Public Works Committees of the Senate and the House, or the Appropriations Committees dealing with projects of the Corps of Engineers found, upon considering an authorization bill or appropriation bill, that a particular flood control project was vitally needed for flood protection and could not be brought under the proposed guidelines, could those committees decide in specific cases that the cost-sharing guideline or cost-sharing formula should be waived with respect to a particular facility?

Mr. JACKSON. There is no question about that. I again emphasize that the pending proposed legislation merely represents guidelines for the executive branch to follow prior to the submission of project proposals for consideration by the Congress. When they are submitted, Congress can take any action it finds appropriate. Similarly, the Appropriations Committee can take whatever action it might deem fit.

The bill is, I reemphasize, principally a broad-gaged policy directive to the executive branch by which it is stated, "These are some of the criteria that we believe you should generally follow in planning."

When a project is submitted, it will be up to Congress to decide whether to accept, reject, or modify it.

Mr. COOPER. That raises another point. The Senator has referred to the submission of projects to the Congress.

The Senator has said—and I believe he is correct—that the appropriate committee—for example, the Committee on Public Works with respect to an authorization bill and the Committee on Appropriations with respect to an appropriation bill for, say, a Corps of Engineers project—could take whatever action it thought proper. I have noted your expectation, as the floor manager of this bill, S. 1229, that the Bureau of the Budget and the water-resource agencies would give most careful and sympathetic consideration to the cost-sharing problems we have been discussing here, and my distinguished colleague, who is chairman of the Interior and Insular Affairs Committee which reported this legislation, has said that the intent of this bill is for the Bureau of the Budget to consider this problem with a view to recommending whether an exception to these guidelines would be in order in situations such as I have outlined in eastern Kentucky, where flood protection is vitally needed.

The Senator from Washington [Mr. JACKSON] has said that nothing in this bill is to be taken to mean that a committee of the Congress cannot take action it deems proper with respect to any particular facility. In this regard, it

would be recognized that the Bureau of the Budget, the Corps of Engineers, or any other agency which makes a study or is responsible for making recommendations to the Congress in regard to flood protection facilities would not be directed in every case to apply the formula for local sharing of separable costs as included in this bill. Could the Bureau of the Budget, the Corps of Engineers, and other agencies, if they found in a particular case that it would be inequitable to apply the formula, or if they found that it would be impossible for such a formula to be applied and still enable construction of the needed flood protection facility, or if they found that the overriding need for flood protection was so great that the formula should not be insisted upon, recommend to the Congress either the authorization of a project or appropriations for a project without requiring the assurance of sharing in connection with the separable costs provision?

Mr. JACKSON. I fully appreciate the very real importance of the problem the Senator from Kentucky describes. There is no question that the Director of the Budget Bureau has authority to recommend an exception to the planning guidelines of S. 1229 when special circumstances warrant it.

I am sure that we are not wise enough—I must confess that I am not learned enough—to look so far in advance as to be able to state that the guidelines in this legislation are immutable. Obviously, they are mutable. They will always be so. But there is a need, I believe, for some broad planning directives to the executive agencies in regard to water projects. We need wise and prudent standards. That is what we are trying to establish here. I believe that the Congress will continue, as it should, to exercise its discretion properly and make its final decision on the merits in every case. But this legislation does not purport to prejudice the future in the field of public works, reclamation, or in any other area of resource development.

Mr. COOPER. I appreciate the reason the Senator has given for the provision of these guidelines, which may help in the establishment of some priorities among projects.

Mr. JACKSON. That is correct.

Mr. COOPER. But we all know that some are much more necessary than others. I assume also that the purpose is to insure that we do not get away from the basic purposes of flood control, navigation, and water resource control, so it is important to provide for very careful study and determination before submission, authorization, and construction of projects which may be mostly concerned with recreation, fish, and wildlife enhancement.

My concern has been that a rigid application of this formula might deny to the States—not only to my State, but to other States, as well—and to areas that are stricken year after year by awful floods, the possibility of flood protection. I am much pleased by the Senator's statement that the guidelines are not rigid, immutable rules that must be followed in every case.

One other question: Some officials of my State, some communities of my State, and the people of some communities have expressed a fear, which I felt at the beginning of the consideration of this problem, that a public body might be required to supply funds immediately, either by way of appropriations or from the sale of bonds, and might not be able to do so. Does the Senator from Washington know whether or not this method of assuring and paying the separable cost has been considered and might be approved; that is, that over a period of years the separable cost may be amortized and repaid by user funds?

Mr. JACKSON. We deliberately made provision for repayment from entrance and user fees or charges within 50 years of first use of project recreation or fish and wildlife enhancement facilities. The clear intent of the planning guidelines—again, I emphasize planning guidelines—is to give to local public entities the broadest possible assurances of an opportunity to participate in the program on a reasonable basis.

Mr. COOPER. I thank the Senator from Washington for his consideration and for his answers.

Mr. JACKSON. I compliment the Senator from Kentucky for his thoughtful contribution to the proper understanding of this legislation.

Mr. ELLENDER. Mr. President, will the Senator from Washington yield?

Mr. JACKSON. I yield to the Senator from Louisiana.

Mr. ELLENDER. As I understand the bill, it is, more or less, to make uniform the rules and regulations that now apply or that can be applied by the Corps of Engineers, so that they may be applicable to the Bureau of Reclamation.

Mr. JACKSON. We have had policies that have been inconsistent with respect to Corps of Engineers and Bureau of Reclamation projects.

Mr. ELLENDER. To what extent would the regulations apply to the Corps of Engineers?

Mr. JACKSON. The Corps of Engineers and the Bureau of Reclamation could be subject to uniform planning guidelines with respect to recreation and fish and wildlife benefits and costs. For example, we provide for reimbursability in connection with the separable costs of recreation and fish and wildlife enhancement facilities.

Mr. ELLENDER. My whom?

Mr. JACKSON. By local public bodies. In regard to fish and wildlife, reimbursability is required where the benefits are of a local nature.

Mr. ELLENDER. The next question is not in respect to the pending business. I was busy this morning holding hearings on the farm bill. I was informed that the Senate had passed S. 602, which had been reported by the Committee on Interior and Insular Affairs.

As I understand, the purpose of the bill, according to the report, is to increase the authorization of funds available for the loan and grant program from the present \$100 to \$200 million; second, to raise the limitation on loans or grants of Federal funds on single projects from \$5 million to a limit of \$7.5

million; third, to make the interest rate payable by the Treasury as provided in the Water Supply Act of 1958, instead of the rate of the average annual yield on long-term Government obligations. Is the Senator from Washington familiar with that particular interest rate? Can he say how it differs from what the law now provides?

Mr. JACKSON. First, in connection with the small reclamation projects, to which the bill, S. 602, is directed, I should mention that the interest rate requirement in the act is different from that in regular reclamation law. The Small Reclamation Projects Act, to which the Senator has referred, requires that the portion of the loan applicable to municipal and industrial water, power, and excess lands be repaid with interest.

Mr. ELLENDER. Is the same principle being applied to these projects?

Mr. JACKSON. Yes. Under the Small Reclamation Projects Act, loans for non-irrigation facilities and features are repayable with interest. When a single-purpose reclamation project has been completed, the principal is repaid, but without interest.

Mr. ELLENDER. But as to the small reclamation projects—

Mr. JACKSON. That principle does apply. All that is involved here is the rate of interest to be applied to small reclamation projects. As the Senator knows, the argument over interest rates has been going on for a long time.

Mr. ELLENDER. I know that. That is why I am raising the question.

Mr. JACKSON. What we have followed in this instance is to attempt to make the rate on the interest-bearing features of small reclamation projects conform to interest rates on regular Federal water projects.

Mr. ELLENDER. According to the report, the third item of amendment would:

Make the interest rate that payable by the Treasury, as provided in the Water Supply Act of 1958, instead of that of the average annual yield on long-term Government obligations; interest on loans currently outstanding would be revised retroactively to this rate.

I should imagine that the purpose of that amendment is to provide a little relief in the interest field. Am I correct in that assumption or not?

Mr. JACKSON. Yes, the Senator is correct. But the problem is one of uniformity. The amendment would make the rate on small projects conform to that on regular Federal water projects with respect to the interest bearing features.

Mr. ELLENDER. Not if the payment is made retroactive and the rate of interest is lowered. The Government would be out of interest in some way. I wonder if the Senator could be more specific.

Mr. JACKSON. The bill would change the interest rate in the Small Projects Act to make it the same as now applicable under the Water Supply Act formula. That is all that we are doing at this time. The rate would be the same.

Mr. ELLENDER. And that rate is what?

Mr. JACKSON. Approximately 3¼ percent, I believe.

Mr. ELLENDER. Regardless of what the Government pays for that money, we are providing that it be 3¼ percent; is that correct?

Mr. JACKSON. We are providing for it on the basis of the formula that has been in effect since 1958.

Mr. ELLENDER. What is the present rate of interest?

Mr. JACKSON. The Water Supply Act formula interest rate is 3⅜ percent for fiscal 1965.

Mr. ELLENDER. The rate of interest is 3⅜ percent under existing law.

Mr. JACKSON. That is correct.

Mr. ELLENDER. What would it be under the bill that was acted on, I presume, on the Consent Calendar, without any opposition and without anyone knowing what was being done here? What would the rate be under S. 602?

Mr. JACKSON. It would be 3⅜ percent, which the Secretary of the Treasury has certified to be the average rate of interest paid on the long-term securities of the United States which are neither due nor callable for 15 years from the date of issue.

Mr. ELLENDER. Mr. President, has the motion to reconsider been made on S. 602? I would like to move to reconsider, if I am in order. I have been trying to watch some of these bills.

The PRESIDING OFFICER. No motion to reconsider was made.

Mr. ELLENDER. Mr. President, I enter a motion to reconsider the vote by which the bill was passed.

The motion is entered.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the conference report was agreed to.

Mr. HILL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COOPER. Mr. President, I appreciate very much the explanation of the distinguished Senator from Washington and his interpretation of the various sections of the conference report.

The Senator from Washington knows that I have absolute confidence in everything he says, and there is no question in my mind about the statement or interpretation of the Senator. However, I am concerned about the interpretation that some agency in the executive branch may give to this legislation. I am concerned specifically that the Bureau of the Budget might apply these guidelines so strictly that, in some cases—where flood protection is vitally needed—the construction of vital flood control facilities might be delayed for a long time.

For that reason, I am constrained to vote against the bill, but I shall write the President again about these problems and to call the attention of the executive

agencies to them and to the intent discussed here. Mr. President, I ask that my vote to be recorded in the negative.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 40 TO PROVIDE UNIFORM POLICIES WITH RESPECT TO RECREATION AND FISH AND WILDLIFE BENEFITS

Mr. JACKSON. Mr. President, I submit a concurrent resolution—Senate Concurrent Resolution 40—concerning the bill (S. 1229) to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multipurpose water resource projects, and ask unanimous consent for the immediate consideration of the report.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The LEGISLATIVE CLERK. A concurrent resolution—Senate Concurrent Resolution 40—to correct the enrollment of S. 1229.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

There being no objection, the concurrent resolution was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate, in the enrollment of the bill (S. 1229), to provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes, is authorized and directed to strike out the words "Act of 1965" in the last line of subsection (h) of section 6.

Mr. JACKSON. Mr. President, the concurrent resolution was necessary to correct a technical error in citation in subsection 6(h) of S. 1229 as reported by the committee of conference. No change of substance is in any way involved.

LEO M. MONDRY

The PRESIDING OFFICER. The Chair lays before the Senate the pending business.

The Senate resumed the consideration of the bill (S. 321) for the relief of Leo M. Mondry.

OPEN DISCUSSION ON VIETNAMESE SITUATION IS HEALTHY AND WISE

Mr. PROXMIRE. Mr. President, in this morning's Washington Post there appears a column by Roscoe Drummond on the national debate over Vietnam.

I agree with President Johnson on his Vietnamese policies. I believe that they make sense. The President is right in continuing our 10-year commitment to South Vietnam to help it resist aggression. He is right in doing all that he can to seek negotiation. I recognize that the facts are far from clear, and there



Public Law 89-72
89th Congress, S. 1229
July 9, 1965

An Act

To provide uniform policies with respect to recreation and fish and wildlife benefits and costs of Federal multiple-purpose water resource projects, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the Congress and the intent of this Act that (a) in investigating and planning any Federal navigation, flood control, reclamation, hydroelectric, or multiple-purpose water resource project, full consideration shall be given to the opportunities, if any, which the project affords for outdoor recreation and for fish and wildlife enhancement and that, wherever any such project can reasonably serve either or both of these purposes consistently with the provisions of this Act, it shall be constructed, operated, and maintained accordingly; (b) planning with respect to the development of the recreation potential of any such project shall be based on the coordination of the recreational use of the project area with the use of existing and planned Federal, State, or local public recreation developments; and (c) project construction agencies shall encourage non-Federal public bodies to administer project land and water areas for recreation and fish and wildlife enhancement purposes and operate, maintain, and replace facilities provided for those purposes unless such areas or facilities are included or proposed for inclusion within a national recreation area, or are appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

Federal Water
Project Recre-
ation Act.

79 STAT. 213.

79 STAT. 214.

SEC. 2. (a) If, before authorization of a project, non-Federal public bodies indicate their intent in writing to agree to administer project land and water areas for recreation or fish and wildlife enhancement or for both of these purposes pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and to bear not less than one-half the separable costs of the project allocated to either or both of said purposes, as the case may be, and all the costs of operation, maintenance, and replacement incurred therefor—

Non-Federal
public bodies.
Project ad-
ministration.

(1) the benefits of the project to said purpose or purposes shall be taken into account in determining the economic benefits of the project;

(2) costs shall be allocated to said purpose or purposes and to other purposes in a manner which will insure that all project purposes share equitably in the advantages of multiple-purpose construction: *Provided*, That the costs allocated to recreation or fish and wildlife enhancement shall not exceed the lesser of the benefits from those functions or the costs of providing recreation or fish and wildlife enhancement benefits of reasonably equivalent use and location by the least costly alternative means; and

(3) not more than one-half the separable costs and all the joint costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by the United States and be non-reimbursable.

Projects authorized during the calendar year 1965 may include recreation and fish and wildlife enhancement on the foregoing basis without

Projects for
1965, exception.

the required indication of intent. Execution of an agreement as aforesaid shall be a prerequisite to commencement of construction of any project to which this subsection is applicable.

Non-Federal share
of costs.

(b) The non-Federal share of the separable costs of the project allocated to recreation and fish and wildlife enhancement shall be borne by non-Federal interests, under either or both of the following methods as may be determined appropriate by the head of the Federal agency having jurisdiction over the project: (1) payment, or provision of lands, interests therein, or facilities for the project; or (2) repayment, with interest at a rate comparable to that for other interest-bearing functions of Federal water resource projects, within fifty years of first use of project recreation or fish and wildlife enhancement facilities: *Provided*, That the source of repayment may be limited to entrance and user fees or charges collected at the project by non-Federal interests if the fee schedule and the portion of fees dedicated to repayment are established on a basis calculated to achieve repayment as aforesaid and are made subject to review and renegotiation at intervals of not more than five years.

Non-reimburse-
able costs.

SEC. 3. (a) No facilities or project modifications which will furnish recreation or fish and wildlife enhancement benefits shall be provided in the absence of the indication of intent with respect thereto specified in subsection 2(a) of this Act unless (1) such facilities or modifications serve other project purposes and are justified thereby without regard to such incidental recreation or fish and wildlife enhancement benefits as they may have or (2) they are minimum facilities which are required for the public health and safety and are located at access points provided by roads existing at the time of project construction or constructed for the administration and management of the project. Calculation of the recreation and fish and wildlife enhancement benefits in any such case shall be based on the number of visitor-days anticipated in the absence of recreation and fish and wildlife enhancement facilities or modifications except as hereinbefore provided and on the value per visitor-day of the project without such facilities or modifications. Project costs allocated to recreation and fish and wildlife enhancement on this basis shall be nonreimbursable.

79 STAT. 214.

79 STAT. 215.

Provisions for
acquisition of
lands.

(b) Notwithstanding the absence of an indication of intent as specified in subsection 2(a), lands may be provided in connection with project construction to preserve the recreation and fish and wildlife enhancement potential of the project:

(1) If non-Federal public bodies execute an agreement within ten years after initial operation of the project (which agreement shall provide that the non-Federal public bodies will administer project land and water areas for recreation or fish and wildlife enhancement or both pursuant to the plan for the development of the project approved by the head of the agency having administrative jurisdiction over it and will bear not less than one-half the costs of lands, facilities, and project modifications provided for either or both of those purposes, as the case may be, and all costs of operation, maintenance, and replacement attributable thereto) the remainder of the costs of lands, facilities, and project modifications provided pursuant to this paragraph shall be nonreimbursable. Such agreement and subsequent development, however, shall not be the basis for any reallocation of joint costs of the project to recreation or fish and wildlife enhancement.

(2) If, within ten years after initial operation of the project, there is not an executed agreement as specified in paragraph (1) of this subsection, the head of the agency having jurisdiction over

the project may utilize the lands for any lawful purpose within the jurisdiction of his agency, or may offer the land for sale to its immediate prior owner or his immediate heirs at its appraised fair market value as approved by the head of the agency at the time of offer or, if a firm agreement by said owner or his immediate heirs is not executed within ninety days of the date of the offer, may transfer custody of the lands to another Federal agency for use for any lawful purpose within the jurisdiction of that agency, or may lease the lands to a non-Federal public body, or may transfer the lands to the Administrator of General Services for disposition in accordance with the surplus property laws of the United States. In no case shall the lands be used or made available for use for any purpose in conflict with the purposes for which the project was constructed, and in every case except that of an offer to purchase made, as hereinbefore provided, by the prior owner or his heirs preference shall be given to uses which will preserve and promote the recreation and fish and wildlife enhancement potential of the project or, in the absence thereof, will not detract from that potential.

SEC. 4. At projects, the construction of which has commenced or been completed as of the effective date of this Act, where non-Federal public bodies agree to administer project land and water areas for recreation and fish and wildlife enhancement purposes and to bear the costs of operation, maintenance, and replacement of existing facilities serving those purposes, such facilities and appropriate project lands may be leased to non-Federal public bodies.

Lease of facilities and lands to non-Federal public bodies.

SEC. 5. Nothing herein shall be construed as preventing or discouraging postauthorization development of any project for recreation or fish and wildlife enhancement or both by non-Federal public bodies pursuant to agreement with the head of the Federal agency having jurisdiction over the project. Such development shall not be the basis for any allocation or reallocation of project costs to recreation or fish and wildlife enhancement.

79 STAT. 215.
79 STAT. 216.

SEC. 6. (a) The views of the Secretary of the Interior developed in accordance with section 3 of the Act of May 28, 1963 (77 Stat. 49), with respect to the outdoor recreation aspects shall be set forth in any report of any project or appropriate unit thereof within the purview of this Act. Such views shall include a report on the extent to which the proposed recreation and fish and wildlife development conforms to and is in accord with the State comprehensive plan developed pursuant to subsection 5(d) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897).

Outdoor recreation provisions.
16 USC 4601-2.

(b) The first proviso of subsection 2(d) of the Act of August 12, 1958 (72 Stat. 563; 16 U.S.C. 662(d)), is amended to read as follows: "Provided, That such cost attributable to the development and improvement of wildlife shall not extend beyond that necessary for (1) land acquisition, (2) facilities as specifically recommended in water resource project reports, (3) modification of the project, and (4) modification of project operations, but shall not include the operation of wildlife facilities." The second proviso of subsection 2(d) of said Act is hereby repealed.

16 USC 4601-8.
Wildlife project costs.

Repeal.

(c) Expenditures for lands or interests in lands hereafter acquired by project construction agencies for the establishment of migratory waterfowl refuges recommended by the Secretary of the Interior at Federal water resource projects, when such lands or interests in lands would not have been acquired but for the establishment of a migratory waterfowl refuge at the project, shall not exceed \$28,000,000: *Pro-*

Migratory waterfowl refuges, establishment.

Limitation.

vided, That the aforementioned expenditure limitation in this subsection shall not apply to the costs of mitigating damages to migratory waterfowl caused by such water resource project.

Nonapplicability provisions.

70 Stat. 1044.

43 USC 422k.

68 Stat. 666.

16 USC 1001 note.

(d) This Act shall not apply to the Tennessee Valley Authority, nor to projects constructed under authority of the Small Reclamation Projects Act, as amended, or under authority of the Watershed Protection and Flood Prevention Act, as amended.

(e) Sections 2, 3, 4, and 5 of this Act shall not apply to nonreservoir local flood control projects, beach erosion control projects, small boat harbor projects, hurricane protection projects, or to project areas or facilities authorized by law for inclusion within a national recreation area or appropriate for administration by a Federal agency as a part of the national forest system, as a part of the public lands classified for retention in Federal ownership, or in connection with an authorized Federal program for the conservation and development of fish and wildlife.

"Nonreimbursable."

(f) As used in this Act, the term "nonreimbursable" shall not be construed to prohibit the imposition of entrance, admission, and other recreation user fees or charges.

16 USC 4601-9.

(g) Subsection 6(a) (2) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) shall not apply to costs allocated to recreation and fish and wildlife enhancement which are borne by the United States as a nonreimbursable project cost pursuant to subsection 2(a) or subsection 3(b) (1) of this Act.

Disposition of payments and repayments.

(h) All payments and repayment by non-Federal public bodies under the provisions of this Act shall be deposited in the Treasury as miscellaneous receipts, and revenue from the conveyance by deed, lease, or otherwise, of lands under subsection 3(b) (2) of this Act shall be deposited in the Land and Water Conservation Fund.

Reservoir projects.

32 Stat. 388.

43 USC 371 note.

79 STAT. 216.

79 STAT. 217.

SEC. 7. (a) The Secretary is authorized, in conjunction with any reservoir heretofore constructed by him pursuant to the Federal reclamation laws or any reservoir which is otherwise under his control, except reservoirs within national wildlife refuges, to investigate, plan, construct, operate and maintain, or otherwise provide for public outdoor recreation and fish and wildlife enhancement facilities, to acquire or otherwise make available such adjacent lands or interests therein as are necessary for public outdoor recreation or fish and wildlife use, and to provide for public use and enjoyment of project lands, facilities, and water areas in a manner coordinated with the other project purposes: *Provided*, That not more than \$100,000 shall be available to carry out the provisions of this subsection at any one reservoir. Lands, facilities and project modifications for the purposes of this subsection may be provided only after an agreement in accordance with subsection 3(b) of this Act has been executed.

Limitation.

Agreements with Federal agencies, etc.

(b) The Secretary of the Interior is authorized to enter into agreements with Federal agencies or State or local public bodies for the administration of project land and water areas and the operation, maintenance, and replacement of facilities and to transfer project lands or facilities to Federal agencies or State or local public bodies by lease agreement or exchange upon such terms and conditions as will best promote the development and operation of such lands or facilities in the public interest for recreation and fish and wildlife enhancement purposes.

Transfer of lands.

(c) No lands under the jurisdiction of any other Federal agency may be included for or devoted to recreation or fish and wildlife purposes under the authority of this section without the consent of the head of such agency; and the head of any such agency is authorized

to transfer any such lands to the jurisdiction of the Secretary of the Interior for purposes of this section. The Secretary of the Interior is authorized to transfer jurisdiction over project lands within or adjacent to the exterior boundaries of national forests and facilities thereon to the Secretary of Agriculture for recreation and other national forest system purposes; and such transfer shall be made in each case in which the project reservoir area is located wholly within the exterior boundaries of a national forest unless the Secretaries of Agriculture and Interior jointly determine otherwise. Where any project lands are transferred hereunder to the jurisdiction of the Secretary of Agriculture, the lands involved shall become national forest lands: *Provided*, That the lands and waters within the flow lines of any reservoir or otherwise needed or used for the operation of the project for other purposes shall continue to be administered by the Secretary of the Interior to the extent he determines to be necessary for such operation. Nothing herein shall limit the authority of the Secretary of the Interior granted by existing provisions of law relating to recreation or fish and wildlife development in connection with water resource projects or to disposition of public lands for such purposes.

SEC. 8. Effective on and after July 1, 1966, neither the Secretary of the Interior nor any bureau nor any person acting under his authority shall engage in the preparation of any feasibility report under reclamation law with respect to any water resource project unless the preparation of such feasibility report has been specifically authorized by law, any other provision of law to the contrary notwithstanding. Feasibility reports.

SEC. 9. Nothing contained in this Act shall be taken to authorize or to sanction the construction under the Federal reclamation laws or under any Rivers and Harbors or Flood Control Act of any project in which the sum of the allocations to recreation and fish and wildlife enhancement exceeds the sum of the allocations to irrigation, hydroelectric power, municipal, domestic and industrial water supply, navigation, and flood control, except that this section shall not apply to any such project for the enhancement of anadromous fisheries, shrimp, or for the conservation of migratory birds protected by treaty, when each of the other functions of such a project has, of itself, a favorable benefit-cost ratio. Project allocations.
32 Stat. 388.
43 USC 371 note.

79 STAT. 217.
79 STAT. 218.

SEC. 10. As used in this Act:

(a) The term "project" shall mean a project or any appropriate unit thereof. Definitions.

(b) The term "separable costs," as applied to any project purpose, means the difference between the capital cost of the entire multiple-purpose project and the capital cost of the project with the purpose omitted.

(c) The term "joint costs" means the difference between the capital cost of the entire multiple-purpose project and the sum of the separable costs for all project purposes.

(d) The term "feasibility report" shall mean any report of the scope required by the Congress when formally considering authorization of the project of which the report treats.

(e) The term "capital cost" includes interest during construction, wherever appropriate.

SEC. 11. Section 2, subsection (a) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) is hereby amended by striking out the words "notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury:" and Entrance and user fees.
16 USC 4601-5.

inserting in lieu thereof the words "notwithstanding any other provision of law:" and by striking out the words "or any provision of law that provides that any fees or charges collected at particular Federal areas shall be used for or credited to specific purposes or special funds as authorized by that provision of law" and inserting in lieu thereof "or affect any contract heretofore entered into by the United States that provides that such revenues collected at particular Federal areas shall be credited to specific purposes".

Short title.

Sec. 12. This Act may be cited as the "Federal Water Project Recreation Act".

Approved July 9, 1965.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 254 accompanying H. R. 5269 (Comm. on Interior & Insular Affairs) and No. 538 (Comm. of Conference).

SENATE REPORT No. 149 (Comm. on Interior & Insular Affairs).

CONGRESSIONAL RECORD, Vol. 111, (1965):

Apr. 13: Considered and passed Senate.

May 18: Considered and passed House, amended, in lieu of H. R. 5269.

June 23: House agreed to conference report.

June 25: Senate agreed to conference report.

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